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HISTORY OF THE WHITE AUSTRALIA POLICY TO 1920

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MYRA WILLARD

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NOTE TO SECOND EDITION

The second edition is almost an unaltered reprint of the first. The Commonwealth Immigration Restriction Act 1901 remains, amended only in such minor details as may seem advisable from time to time.

Great scientific and political world changes have made the Pacific region a very different place from that sketched in the introduction; not the least changed is Australia with its positive immigration policy and its rapid economic development. But these changes are part of history later than the period to which the subject of this book belongs.

1966 *M. W.*

PREFACE TO FIRST EDITION

The "History of the White Australia Policy" is the result of a year's research work undertaken in connection with the Sydney University.

The material for the subject was gleaned chiefly from the unrivalled collection of documents and books relating to Australia in the Mitchell Library, Sydney. The kindness of the librarian, Mr. Hugh Wright, and of the library assistants, and the helpful facilities which they gave for research, made the work a pleasure. To the assistants of the general section of the New South Wales Public Library, and of the Fisher Library (Sydney University), I am indebted for the same help and courtesy. Facilities were afforded me at the Parliamentary Library for the perusal of some British and Australian documents not obtainable elsewhere in Sydney.

I am grateful to Professor R. C. Mills (Sydney University) for helpful suggestions concerning methods of research.

If there is anything of value in the following pages it is due to Professor G. A. Wood, who gives to his students unfailing encouragement, and makes them love history.

1923 *MYRA WILLARD.*

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INTRODUCTORY

During the last hundred years the hitherto little known lands and peoples of the Pacific have come slowly into the focus of world interest.

Before the nineteenth century, the outward movement from Europe had spread slowly across the Atlantic, had taken in part of Africa, and had touched upon the more inviting parts of southern Asia. The work of developing the new lands reached kept the enterprising section of Europe busy till well into the last century.

The European expansion movement came from the seafaring nations. The Slav peoples had not consolidated their position sufficiently well to wish to expand. Then it was to the Mediterranean that the eyes of Russia were first turned. But fearful for the safety of her trading routes to the East, and of her commerce there, Britain with half-drawn sword stood in her path. So Russia's surplus energy and enterprise found an outlet eastward. Slowly but irresistibly the Russians moved steadily to the Pacific coast and almost to the borders of India. With railway communication to the heart of Russia, with the unlimited commercial possibilities of China almost wholly undeveloped, with the Pacific highway to American trade stretching plain before them, with a naval station for a Pacific fleet to guard their commerce, what bounds could be set to their material progress? So Russia dreamed.

But other European Powers were now in the Pacific. Thither in the sixteenth century had gone the Spanish and the Portuguese military missionaries and traders. Their rivals, the commercial Dutch, soon followed. By the beginning of the seventeenth century Japan had indignantly closed her doors against proselytising foreigners, whose political intrigues she feared. And China steadily refused to hold any official intercourse with barbarians. By 1842 the might of Britain forced China to open at least some of her doors to foreign trade, and wrested from her a commercial and naval centre in the East. Other European nations followed her example, and demanded and

obtained portions of China for commercial exploitation. Huge, but helpless, the Celestial Empire had perforce to acquiesce in their demands, and it seemed that the east of Asia, like the south, was for a time to be dominated by the Western peoples.

On the other side of the Pacific, the South American countries were in the hands of peoples who had not yet evolved sufficient racial unity and national purpose to be interested in any but their own internal and somewhat chaotic affairs. In the continent to the north, the region now known as British Columbia had passed into the hands of those who were to make it a province of Canada. Sturdy backwoodsmen of United States had penetrated to the Oregon country. Before the middle of the century California was wrested from the weak and incapable hands of the Mexicans, and its development begun by energetic pioneers of the great American Republic.

In the age of steam, and with Asia directly opposite, the Pacific ports of North America were unlikely long to remain empty. By 1853 a strong but kindly American hand shook Japan from her mediaeval sleep. Then was to arise in the East that nation which was to dispute the threatened domination of eastern Asia by Europeans. Fresh and vigorous, with remarkable quickness Japan soon grasped the position of affairs in the East. Girding herself with the most advanced scientific knowledge, and assimilating the thought of the West in such measure as enabled her to understand the trend of the Western mind and its aspirations, she set herself the task of rising to the front rank of nations, chiefly with the object of securing her own national safety and honour. By her war with China she burned, as it were, a clearing round her house. She tried and proved her strength against China, thus asserting her present supremacy among the Asiatic peoples on the Pacific, and preventing Korea, "her Belgium across the Channel," from coming under the weak control of China, a nominal control that would soon have been supplemented by the strong Russian grasp. The utter helplessness of Japan's Asian neighbour was revealed during the Boxer rising, a vain expression of China's indignation at European greed and domination. Then, while Britain "kept the ring," as one writer has said, Japan hurled herself with aim "as unerring as the stone from David's sling" at the unscrupulous Russian giant that was imperilling her future. She then set about the

task of strengthening herself so as to be able successfully to declare a Monroe doctrine for the east of Asia.

Thus the commercialism and the national rivalry of Western peoples forced the Asiatic nations on the Pacific to emerge from their seclusion.

During the time of this stirring among Eastern peoples, the colonisation of Australia had been steadily though slowly going forward. This Southern Continent is connected with Asia, that prolific cradle of the human race, by the stepping stones which form the East Indian Archipelago. Its geographical position was responsible for its comparatively recent colonisation. Till a little over half a century ago the people of Asia knew little and cared nothing about the empty land to the south, which had waited so long for an energetic people to develop it. A people from the Antipodes had finally occupied it. Only 135 years ago came the first British settlers to Australia—people who "left their country for their country's good." The main current of European emigration naturally flowed across the Atlantic. The little that trickled to Australia came chiefly through a channel formed with conscious effort and expense first by the British nation and then by the Australian people. This accounts in large measure for the homogeneity of the Australians, 98 per cent. of whom are of British descent. A people at present fewer in number than the population of London possess Australia, a continent almost the size of Europe. They have kept well in the van of what to Western ideas constitutes progress. This they have been able to do because they belong to one of the most energetic and most advanced Western peoples; because under the British flag they have been free from any interference; because they were so far away from the conservative influences and traditions of old-established societies; because of the wealth which the new land poured at their feet. Modern scientific inventions and discoveries—the use of steam and electricity, the latest wonderful mastery of sea and air, have in many respects counteracted the disadvantages of Australia's isolation from Europe.

That the development of the Australian Colonies was contemporaneous with the renewed activity in the East was of primary moment to these colonies for two reasons—their proximity to Asia, and their recent formation.

Alert peoples now ring the Pacific. Small and undeveloped

but rich islands dot this ocean. Here world problems of various kinds centre, problems of development, problems arising out of the conflicting interests of nations, racial problems. The claim for a White Australia forms part of the world problem of the adjustment on an equitable basis of the needs and claims of Eastern and Western peoples.

HISTORY OF THE WHITE AUSTRALIA POLICY

SECTION I.

Chapter I.—INDENTURED LABOUR EXPERIMENTS IN NEW SOUTH WALES.

Nothing was farther from the thoughts of those who urged the British Government to form a settlement in New South Wales than the idea of the adoption of a White Australia policy by the future residents of the Southern Land. Indeed, the proximity of Australia to the millions of Asia was considered one of its peculiar advantages. Had not the Chinese contributed very greatly to the development of the Dutch Settlements in the East Indies? In supporting Matra's scheme, Sir Joseph Banks put forward the certainty of being able to obtain abundant and cheap labour from the continent of Asia as one of the inducements for the formation of the new settlement.[1] But the Colony was to be a penal one. For forty years there was, therefore, no need to seek cheap labour elsewhere.

But from about 1825 a cry for labour arose in New South Wales. The British Government had discouraged the emigration of the poorer class of free settlers, who had not the means to support themselves till they were properly established. During the earlier years the authorities had been forced to maintain not a few such families that had gone to the Colony. From Macquarie's time then only emigrants possessing a certain amount of capital had been allowed to go to New South Wales. The great success of the pastoral industry and the constant opening up of large areas of land suitable for sheep farming had stimulated free emigration. The settlers had soon taken from the Government all the convicts that could be spared. Where were they to turn for labour?

1. Historical Records of New South Wales, V. 2, Part II., p. 3.

Use of Non-European Labour Early Suggested.

The knowledge of the readiness of the poorer Chinese to emigrate caused Wakefield in 1829 to propose their indenture for work in New South Wales.[2] A constant stream of these "most industrious and skilful Asiatics" would not only supply the needed labour, but in the course of a century would probably convert "the enormous wilderness of Australia" into a "fruitful garden." Or, with a little persuasion, Indians in any number might be induced to work in New South Wales, he pointed out. And at Australia's very doors were Pacific islanders, who, if given plenty of food and a free passage, would go to the Colony.[3] Wakefield, then, suggested the three kinds of cheap labour which by the middle of the century were tried experimentally in Australia. But it is very doubtful whether his suggestions had any influence whatever in causing the experiments to be tried. They were the outcome of a practical need that arose years later.

Little Need for Such Labour.

The experiments made were on a very small scale, and they lasted for a short time only, for the emigration of British workmen began after 1830. The stream of assisted British immigrants was due to Wakefield's ideas very much more than were the labour experiments that were made. In expounding his theory of systematic colonisation, Wakefield, in 1829, pointed out the way to obtain a fund which could be used to assist British labourers to New South Wales. In his opinion, colonial land should be sold, not granted under a nominal quit rent, as had hitherto been done in New South Wales. Fortunately, Wakefield put forth this idea just when the Colony was ripe for a change in the system of allotting land to settlers, and just at the time when the need for labour was becoming urgent. His view found favour with British and Colonial authorities, for it seemed a practical and simple way of satisfying a great need in New South Wales. So a stream of assisted emigration was set in motion at the beginning of the thirties. Under the stimulus of bounties it gathered force till the financial difficulties of New

2. "Letter from Sydney," postscript p. 202, E. G. Wakefield; "England and America," V. II., Appendix I., p. 265. "Proofs of the industry, skill and commercial disposition of the Chinese people."—Wakefield.

3. "Letter from Sydney," p. 201, Wakefield.

South Wales about 1843 put an end to it for a time. When the Colony again became prosperous, the assisted emigration was once more renewed, and it continued to flow steadily till well into the fifties.

Thus, except for a few short periods, there was no need for indentured labour before the middle of the century. These periods were, first, the years just before and after the system of assigning convict labour came to an end and transportation ceased in 1840; second, the period toward the end of the forties, when the colony was recovering from the severe economic depression of a few years before, but was not yet again receiving a stream of British workmen; and, third, the years at the beginning of the gold rush when all classes of colonists were hastening to the goldfields.

First Experiment—Indian Coolie Labour.

During the first short period, the use of Indian coolie labour was considered. The cheap land, the large profits derived from sheep farming, the knowledge that free British labour was going to the colony, had drawn a large number of settlers to New South Wales. Especially did their numbers increase after the Port Philip district was thrown open for occupation. The bounty emigration was as yet flowing too slowly to cope with the demands of the colonists. And the difficulty was about to be increased by the withdrawal of all convict labour.

The planters of Mauritius attempted during the thirties to tap the vast store of Indian coolie labour. But a system that had any feature remotely resembling slavery aroused indignation at this time in Britain, where the people were about to pay £20,000,000 to free the Empire from the disgrace of slavery, and where the system of transportation was about to be abandoned. The recruiting of coolies was forbidden in 1839.[4]

But before this prohibition had been placed on the recruiting of coolies for service outside India, a proposal to bring some of these labourers to New South Wales was brought before the Colonial Government by Mr. John Mackay, formerly a merchant and indigo planter of India. Some of the pastoralists hailed the proposal with relief. They guaranteed to employ at a fixed rate of wages and rations those that might be brought under

4. See Hertslet's Treaties, V. IX., p. 521.

Government bounty.[5] In their eyes, this labour had two merits —it was cheap, and it was unencumbered.[6] The proposal was referred for consideration to a Select Committee appointed in 1837 by the Legislative Council. They were able to collect only scanty information concerning the probable fitness of these coolies for pastoral and agricultural work in New South Wales. After a good deal of hesitation because of the "paganism" and "colour" of the proposed immigrants, the Committee recommended that a few Indian labourers should be brought as an immediate and temporary measure of relief, and as an experiment by which the colonists might judge of their utility should a labour crisis again occur.[7] They took the opportunity to point out that, when settlements were formed in the hotter districts to the north, the services of coolies would be of great benefit for the cultivation of such products as sugar and cotton, coffee and tobacco. No Government action followed the recommendation. Nor did it follow a consideration of the subject again in 1840.

Early Views of Colonists Regarding Coolie Immigration.

After 1841 the authorities in the colony definitely abandoned the proposed scheme. They concurred in the conclusions reached by an Immigration Committee of that year. This Committee[8] considered the whole question broadly, and in very able fashion. It seemed to them that no system of coolie immigration could be established that would prevent numbers of Indians from permanently remaining in the Colony.[9] There would thus grow up in the community an alien element different in all respects from the rest of the population. Not only would it be an alien element, it would be a servile one as well.[10] For the coolies were to be brought with the expressed expectation that their labour would be cheap. Low wages could not be maintained if the

5. Memoranda from John Mackay to Sir R. Bourke, 22/5/37—Oct., 1836, V. & P. of Leg. C. of N.S.W., 1824-37, p. 581.

6. 24/5/37—Ibid.

7. Rept. Ibid. p. 674. The Committee recommended that only Dhangars from the Hills be brought; they should be between the ages of 18 and 30; Government regulations should control their indenture and employment; besides their set wage, 10/- should every half year be placed to their credit in the Savings Bank to cover the expense of their return at the end of six years.

8. The Committee consisted of the Bishop of Australia (Bishop Broughton), President of the Committee; Messrs. Deas-Thomson (Colonial Secretary), Lithgow (Auditor-General), H. H. Macarthur, J. Macarthur, Jones, and Sir John Jamieson.

9. Report Immigration Committee, 1841, V. & P. of Legislative Council of N.S.W., 1841, p. 421.

10. Ibid.

employer and the coolie stood in the general relation of master and servant, and if the Indians were absolutely free agents.[11] Coolies for labour other than pastoral and agricultural work would be brought, and it would be impossible to prevent those remaining after their period of indenture from taking up various occupations. They would thus compete with European labourers. The result would be that all workers would ultimately find a common level, and it would be a lower one than that which colonial labourers would otherwise obtain for themselves.[12] Dislike of such competition would check British immigration. Indian labour would then become a necessity, and a greater amount would have to be brought. For an uncertain and at best a transient relief, it seemed not worth while to introduce an element into the social system of New South Wales that, in the opinion of the Committee, would cause it to deteriorate.[13]

Hoping as they were for self-government, and struggling to throw off the odium which clung to a penal settlement, the colonists saw clearly that a large Indian immigration would retard the creation of a society possessing the social and political rights enjoyed in the mother country. In the words of the Immigration Report, "Whatever defects may be chargeable upon the state of society here, it is at present so unmixed in its composition as to promise to supply materials for the fabrication of a social and political state corresponding with that of the country from which it derives its origin." Prominent men, like W. C. Wentworth, objected to Indian immigration for reasons of race purity.[14]

It will be seen later that there is a somewhat remarkable similarity in the view of the proposed Indian immigration taken by the colonists of this period and by Australians of liberal opinion forty and fifty years afterwards.[15] But it is not remark-

11. Ibid.
12. Ibid.
13. Ibid.
14. Evidence of Wentworth before Immigration Committee of 1837, V. & P. of Leg. C. of N.S.W., 1824-37, p. 644. Wentworth seems to have revised his opinion, nowever, for Captain Towns, in giving evidence before the Committee on Asiatic Labour, 1854, says that Wentworth joined with him in obtaining Indian labourers (N.S.W. V. & P. of Leg. C., VII., p. 919). And on December 14th, 1852, Wentworth moved in the Legislative Council that the Indian Government be informed of the need for labourers in New South Wales, and of the desirable conditions that awaited them in the Colony. He hoped thus to induce the authorities in India to permit coolie emigration to New South Wales.

able when it is remembered that the object at both times was the preservation of the Britsh character of the community.

British Government's Attitude to the Proposal.

The attitude of the colonists towards the proposed Indian immigration was supported by the British authorities. When Sir Richard Bourke reported[16] John Mackay's proposal, Lord Glenelg, the Secretary of State for the Colonies, condemned it straightway. This was to be expected, in view of his strong opinions concerning slavery and the treatment of native races.[17] His objections, expressed before he knew the matured views of the colonists, were based on the effect that the introduction of such labour would have both on colonial society and on the emigration of labourers from Britain. Thus he pointed out that the formation of a class separated by race and habits from the rest of the labouring population was most undesirable.[18] The use of coolie labour, he said, would bring rural work in the Colony into disrepute. It would consequently check the emigration of the British agricultural classes.[19] This no doubt appeared to Glenelg a serious matter not only for New South Wales, but also for Britain. For the emigration of these labourers was one means of alleviating the acute distress among rural workers at this time, and consequently of allaying in some small measure the growing political agitation of the Chartists. The trouble in Canada was checking the large emigration thither—was it also to be prevented from going to New South Wales, to which, if nothing untoward occurred, it should only flow the faster?

Sir William Molesworth, a colonial reformer, and one who was just at this time straining every nerve to secure the abolition of the system of transportation, for once thoroughly approved of the attitude taken up in Downing Street. To him, such indentured labour seemed only "one of the innumerable descriptions of slavery to which, under various appellations designed to conceal its nature, colonists have had recourse when suffering under pressure of a want of labour."[20] Indian immi-

15. See, for instance, Mr. S. Griffith's memorandum, 1/4/85, V. & P. (Queensland), 1885, V. I., p. 376-9.
16. Bourke to Glenelg D., 8/9/37. 17. "The Colonisation of Australia" (1829-42), 1915, p. 13, R. C. Mills. 18. Glenelg to Gipps, 14/12/37, D. No. 36.
19. Ibid.
20. Report of Committee on Transportation, 1838, p. xxxiv.

gration would only curse Australia with the social and political difficulties of a racial problem.[21]

The Governors in New South Wales during this period, whose opinions were still one of the chief factors in determining the policy pursued therein, were quite in accord with Glenelg on this subject. Sir Richard Bourke, for instance, believed that the introduction of coolie labourers would prove "a sacrifice of permanent advantage to temporary expedience."[22] With this view, his successor, Sir George Gipps, emphatically agreed.[23] He refused to consider an application for bounty for 41 coolies whom John Mackay had brought to New South Wales at his own expense.[24]

There were, of course, individual pastoralists who in straits for labour tried the experiment. One prominent merchant and sheep-owner giving evidence before the Immigration Committee of 1838, said that many settlers were obliged to send to India for coolies, though opposed in principle to this course; he knew that 1203 such labourers had been actually sent for by 111 settlers.[25] Some of the landowners employed as many as 40 Indians.[26] They proved fairly satisfactory workmen—indeed, several employers thought they made better shepherds than the Europeans.[27]

It was impossible, however, for Australian employers to obtain this labour after 1839, except for a few obtained under pretence of domestic work.[28]

The rush to the goldfields soon after the middle of the century caused a few colonists again to consider the project. But

21. Ibid.

22. Bourke to Glenelg, 8/9/37.

23. Sir G. Gipps to Secretary of State for the Colonies, 22/8/38, Desp. No. 128, and Confidential Despatch of 1/5/38.

24. Gipps to Glenelg, 22/8/38, Desp. No. 128.

25. Evidence of Mr. Th. Walker before Immigration Committee of 1838. These numbers are much larger than those given by Captain Towns before the Committee on Asiatic Labour (V. & P. of Leg. C. of N.S.W., 1854, V. II., p. 919).

26. Evidence of Rbt. Scott before Immigration Committee of 1841 (V. & P. of Leg. C. of N.S.W., 1841, p. 421).

27. Evidence of Mr. Lord, ibid.; see also pamphlet by Friell, "The Conditions of Indian Labour in the Australian Colonies" (1846).

28. Report Select Committee on Asiatic Labour, V. & P. of Leg. C. of N.S.W., 1854, Vol. II., p. 919.

India at this time had not removed her general prohibition against coolie emigration. Nothing eventuated.[29]

Not till the second and third periods indicated did any Australian colonists turn to China for labour.

Second Experiment—Chinese Coolie Labour.

The use of Chinese coolie labour by other peoples had begun on a fairly large scale before the middle of the century. The stringent enforcement of the international treaties which aimed at the extinction of the African slave trade caused many in tropical lands who had become dependent on this form of labour to look to Asia for a substitute. The opening of China by Britain, too, an opening of which other nations promptly took advantage, had tended to draw attention to this country and its millions. Attempts were accordingly made to obtain cheap coolie labour both in India and in China. In India a paternal Government quickly looked askance at them. But in China no effort was made to regulate or to prohibit the recruiting of labourers. To a suggestion that the Chinese Government should send Consuls to look after the interests of their countrymen who had gone abroad, one of the Chinese authorities replied in 1856: "When the Emperor rules over so many millions, what does he care for a few waifs that have drifted away to a foreign land?"[30] Chinese coolies were recruited chiefly for Cuba, for Peru and

29. Ibid. In 1852 a movement was set on foot for the emigration of Eurasians to Australia. Mr. Justice Burton (formerly a judge in New South Wales), as Chairman of the Madras Indian Emigration Society, proposed to send as an experiment 18 or 20 of these Eurasians. He hoped thus to interest the Colonial Government in the project so that it would assist immigrants of this class. The Colonial Office had no objection to the application of a limited amount of the Land Fund in New South Wales to this immigration, provided that Eurasians likely to be useful to the colonists were sent (Sir J. Pakington to Sir Ch. FitzRoy, 17/7/52, Despatch and enclosure, No. 40). Governor FitzRoy promised to watch the experiment carefully, and to report. But he admitted that he was not at all sanguine about the result, for as Governor he had had experience of Eurasian immigration in the Barbadoes and other West Indian Islands (FitzRoy to Secretary of State, 20/1/53). The experiment does not seem to have been repeated. West Australia, in 1875, received 50 Eurasian boys, but as before the result was not such as to encourage the Government to repeat the experiment.

It is interesting in this connection to note that Parkes (N.S.W.) on one occasion brought out 25 to 30 Eurasian printers, under engagement for four years at £4 a week. His aim, as he said, and as his terms show, was to secure certainty, not cheapness, of labour ("Fifty Years in the Making of Australian History," p. 107-8, Sir H. Parkes).

30. Quoted by J. W. Forster in "American Diplomacy in the Orient" (1903), pp. 278-9. No notice was taken of a petition sent some time later through the American Legation by those in servitude in Peru, urging their Government to interfere on their behalf. Only in 1875 was China persuaded by America and Britain to send a Commission to enquire into the condition of coolie labourers in Cuba. For result of this Commission, see account by J. W. Forster. Ibid.

some of the other South American countries. Emigration from China was contrary to Chinese law. But it had been going on for centuries from the Southern provinces.[31] The authorities closed their eyes to it. "His Excellency the Tarentae," wrote the British Consul at Amoy in 1848, "drily observes, 'I cannot talk about emigration, for when that word is mentioned, my head assumes a very awkward position, and might chance to tumble off.' "[32]

Although it proved fairly easy to obtain coolie labour under contract,[33] the Chinese people in the districts from which it was recruited did not like the system. And with reason. One who lived in China for ten years told the Committee on Asiatic Labour, appointed by the Legislative Council of New South Wales in 1854, that agents in China were employed to procure labourers; that these agents in their turn employed Chinese brokers or procurers, and gave them so much per head for all recruits they could muster; that many of these recruits were obtained under "false and specious pretences," ". . . . . kidnapping is . . . the proper word to apply to some of the means that have been used to obain these men."[34] For years the Chinese people termed the indenture transaction "buying men."

In 1848 the attention of the British Government was drawn by Sir George Bonham (British Superintendent of Trade in

31. Chinese from the Southern provinces early found their way in considerable numbers to the adjacent lands with which they traded. For centuries they had gone to the Philippines, to the Malay Peninsula, and to some of the islands of the East Indian Archipelago. So greatly did the number of Chinese increase in the Philippines that the Spaniards there became alarmed, and at the beginning of the seventeenth century decreed a general massacre. Even this gentle treatment did not keep the Chinese away, nor another brutal massacre of about 22,000 some years later. ("International Relations of the Chinese Empire," V. I., p. 47, H. B. Morse.) By the time the islands came into the possession of the United States there were about 7,000,000 Chinese settled there. In the early years of the nineteenth century there were almost 100,000 Chinese in Java ("History of Java," Vol. I. (1830), p. 70, Sir T. S. Raffles), according to a census taken there in 1815, while the island was temporarily held by Britain. A great proportion of these were descended from Chinese settled in the islands for many generations. Some idea of the amount of Chinese emigration which flowed to the Malay Peninsula may be obtained from the fact that in 1825 there came to Singapore alone 3500 emigrants, and in 1826, 5500 (Mr. Crawford, from third Report of Select Committee on Affairs of East India Co., quoted in Appendix 1, V. II., of Wakefield's "England and America," 1833).

32. An enclosure in Despatch No. 35, Earl Grey to Sir Ch. FitzRoy, 27/2/49.

33. For account of Chinese contract emigration, see "International Relations of the Chinese Empire," V. II., pp. 165-181, by H. B. Morse.

34. Report of Select Committee on Asiatic Labour, N.S.W., V. & P., 1854, V. 2, p. 919. In 1852 Sir John Bowing, British Plenipotentiary in China, complained of the agents' "frauds and irregularities," of the "grossest abuses and abominations connected with the system of getting coolie labour." (Enclosure from Sir J. Bowing, 25/9/52, in Despatch No. 22, Duke of Newcastle to FitzRoy, 5/2/53.)

China) to the fact that a shipment of Chinese had been taken from Amoy to New South Wales.[35] The Secretary of State for the Colonies had a short time before this instructed the Governor of West Australia to discourage the importation of Chinese labourers.[36] The same instructions were now sent to New South Wales. Sir Charles FitzRoy, the Governor of that Colony, was to "use his utmost endeavour" to put an end to it.[37] The large British emigration again flowing to the colony, however, was rapidly satisfying the demand for workers. There was, therefore, no need for the Government of New South Wales to take measures against the use of coolie labour, for it would soon cease without any interference.[38]

But by 1852 Britain was again uneasily considering the matter. Further abuses, both in recruiting Chinese labour and in its transport, had come to light. British vessels among others had been engaged in the work of transporting coolie labourers. On these vessels irregularities had occurred, and the emigrants had been frequently subjected to sufferings of "a character so painful as to have awakened the strongest solicitude on the part of the home authorities, and an earnest desire to prevent, as far as possible, the repetition of such abuses."[39] For a year or two an attempt was made to supervise carefully the proceedings of these ship-masters. Finally, in 1855, British ships were prohibited from engaging in overseas coolie traffic except under the strictest regulation and supervision at Hong Kong.

Now, the British Government knew that the importation of Chinese had in 1851 recommenced in New South Wales, owing to the rush of colonial workmen to the newly discovered goldfields.[40] Was the transport of these coolies fairly conducted? The Colonial authorities were asked to exercise great care, and, if necessary, severity, to ensure safe transport and a reasonable amount of comfort for the unfortunate Chinese. There proved to be cause for Britain's anxiety. So many of the Chinese brought to Sydney arrived in "a wretched, sickly state,"

35. An enclosure from British Consul at Amoy in Despatch No. 35, Earl Grey to Sir Ch. FitzRoy, 27/2/49.

36. Report from Emigration Commissioners enclosed in same Despatch.

37. Same Despatch.

38. Despatch, 3/10/49, FitzRoy to Earl Grey.

39. Circular sent to British Consuls in China, enclosed in Despatch No. 22 from Duke of Newcastle to Sir Ch. FitzRoy, 5/2/53.

40. Despatch No. 46, Sir Ch. FitzRoy to Earl Grey, 26/2/52.

and so many died on one of the vessels during the voyage, that the Immigration Agent of New South Wales (Captain H. H. Browne) formed the quite erroneous idea that "their constitutions are of so delicate a nature as to render them wholly unable to bear any severity of temperature."[41]

The Experiment Short-Lived.

For several reasons the introduction of contract labour from China to New South Wales soon ended. In the first place, the employers as a whole found it unsatisfactory.[42] This was not surprising. The agents took no care to select coolies suited to given occupations, or those that were physically fit and of good character. The coolies were recruited from the lowest and poorest, and in some cases from the worst, classes.[43] Even children were among those first brought.[44] Apart from the unsatisfactory character of some of the immigrants, the contracts were not such as were likely to keep them contented servants for long. The wages were miserably small, amounting as a rule to about £1 a month,[45] a rate far below that current in the Colony. Many of the Chinese absconded when they found that they were paid unreasonably low wages in comparison with others. "In nearly every case, I believe, their masters have been obliged to make new arrangements with them, allowing them higher wages than they had been originally engaged for, and even then they are discontented," complained the Immigration Agent at Brisbane.[46] Some displayed "avengeful temperaments" when thwarted or annoyed,[47] that is, when they were not so docile and submissive as they were expected to be. Some who proved unfit for the work that they were given to do—most of them were employed as shepherds—drifted to the towns, and became a public

41. Report from Immigration Agent, enclosed in Despatch No. 167, FitzRoy to Newcastle, 30/12/53.

42. Report of Committee on Asiatic Labour, V. & P. of Leg. C. of N.S.W., Vol. II., p. 919.

43. An enclosure from Consul at Amoy in Despatch No. 35, Grey to FitzRoy, 27/2/49.

44. Ibid.

45. Memorandum of agreement between Th. Marshall, of Sydney, and Tam Kock, Chinese, in extract from Hong Kong paper, enclosed in Despatch No. 88, Duke of Newcastle to FitzRoy, 18/6/53.

46. Report of Duncan, enclosed in Despatch No. 167, FitzRoy to Newcastle, 30/12/53.

47. Ibid.

expense.[48] Others, however, were "industrious and harmless."[49]

Next, there was at no time in New South Wales any strong feeling in favour of Chinese indentured labour. A few settlers resorted to it as a temporary expedient to bridge over labour crises. It naturally found no favour with the working classes. Trouble arose where white labour was required to work side by side with the Chinese. The disgraceful pecuniary advantage which the settlers took of their Chinese labour accounts for some of the bitterness of the working classes against the immigration of Asiatics later, and for their allegations that the employers not only countenanced but even encouraged this immigration. At no time did the colonial authorities encourage it. Indeed, they seized the opportunity which its introduction afforded them to urge upon the British Government a large emigration from that country—the use of coolie labour would not then be resorted to at all. "There can be no doubt," wrote Sir Charles Fitzroy, "that the social, moral and even economic advancement of the Colony will be more rapidly promoted by an immigration of persons of British origin, bringing with them the elements of future increase, than by the importation of male adults of the coloured race."[50] Applications for Government bounty by settlers introducing Chinese were peremptorily refused.[51]

But perhaps the chief factor which contributed to the discontinuance of this labour in New South Wales was the disfavour with which the colonists viewed the large stream of unsought Chinese flowing rapidly to the goldfields after the middle of the century.

Since the Government stood aloof from this contract immigration, there is no complete record of the number of Chinese brought. It must have been fairly large, however, for the British Consul at Amoy wrote in 1852 that 2666 Chinese had been taken from there to Australia, and of these 1438 left in 1851.[52] As

48. Enclosure from La Trobe, Superintendent in the Port Phillip District, in Despatch No. 203, FitzRoy to Grey.

49. Sir Ch. FitzRoy to Earl Grey, 3/10/49, Despatch 203. Those employed by the Australian Agricultural Co., for instance, were very orderly and useful, though they could not be trusted with flocks, partly, no doubt, because their knowledge of English was too scanty to enable them to understand their instructions thoroughly. (Thirtieth Annual Report (1854) of Australian Agricultural Co.).

50. FitzRoy to Grey, 26/2/52, Despatch No. 46.

51. FitzRoy to Grey, 3/10/49, Despatch No. 203.

52. Report from Consul at Amoy, enclosure in Despatch No. 22, Duke of Newcastle to Sir Ch. FitzRoy, 5/2/53.

early as 1849, 270 had been brought. Captain Towns seems to have been the chief promoter of this Chinese immigration to New South Wales. He was responsible for seven or eight shipments of about 300 each.[53] This colonist stands pre-eminent in experimental labour immigration into Australia. He it was who brought Macarthur's emigrant families in the "Brothers" in 1836—perhaps the finest example of the bounty system of emigration as it was meant to be, under private enterprise.[54] In 1844 one finds him importing Indian labour.[55] And he first brought and used Kanaka labour in Queensland for cotton growing (1863).

Third: Pacific Island Labour Experiment.

Colonists who were willing to send to India and China for labour were naturally willing to try the cheaper and more quickly obtainable labour from the Pacific. The use of Pacific island labour is generally connected with sugar growing in Queensland. But the earliest attempt to utilise this labour was not made by Queensland, nor was it made to develop agriculture. The difficulty of obtaining workmen after transportation ceased in 1840 caused the enterprising Benjamin Boyd[56] to bring a few islanders to "Boyd Town near Table Bay."[57] Some of the pastoralists, especially of the Riverina, eagerly tried the experiment of this unencumbered Polynesian labour, and Boyd fitted out vessels to supply the demand.[58] Though the number of islanders brought is not recorded, it was sufficiently large to cause their introduc-

53. See his evidence before Committee on Asiatic Labour, Rept., V. & P. of Leg. C. of N.S.W., 1854, Vol. II., p. 919.

54. Appendix III., pp. 164-171, of "New South Wales" (1837), by James Macarthur.

55. See his evidence before Committee on Asiatic Labor, Rept., V. & P. of Leg. C. of N.S.W., 1854, Vol. II., p. 919.

56. Benjamin Boyd came to Sydney in 1840-41, for the purpose of organising various branches of the Royal Bank of Australia. He purchased station property in the Manaro and Riverina districts of New South Wales and in Queensland. He attempted to form a township at Twofold Bay, with the object of getting supplies to his stations without the expense of the overland journey from Sydney. This bay became the headquarters of his whaling vessels. To supply his stations with cheap labour, he fitted out a large steamer and five smaller vessels to get "cannibals" from the Islands. In 1851 he was killed at Guadalcanar, one of the Solomon Islands. ("Australian Dictionary of Dates and Men of the Time" (1879), p. 23, by J. H. Heaton.)

57. In 1877, Mr. Hockings stated in the Queensland Parliament that Pacific islanders were brought to New South Wales by Boyd, "nearly 35 years ago," that is, in 1842 (Qld. P.D., 1877, Vol. XXIII., p. 68; see also, "New Hebrides Mission and the Polynesian Labour Trade" (1883), by Rev. J. Inglis.

58. "Fifty years in the Making of Australian History," p. 570 (1892), by Sir H. Parkes.

tion to be widely known. For instance, Judge Therry, giving evidence before the House of Lords Committee on Colonisation in 1847, spoke of the "objectionable" importation of these islanders. They were brought mainly from the New Hebrides and adjoining islands, places with which some colonial trade had grown up. Since serious abuses were connected with the recruiting of Chinese coolies, it is not difficult to imagine some of the methods by which islanders were obtained. This is especially easy in view of the brutal way natives were sometimes captured and taken by sandalwood getters to planters who were beginning to settle in the Pacific Islands. In 1847 came complaints from the Consul at Fiji of violence committed by the crews of two of Boyd's vessels, the "Portania" and the "Velocity," while "trading for cannibals" for the settlers. Sir George Grey,[59] the last man to have any patience with the ill-treatment of natives in any place, at once requested Captain Maxwell, of H.M.S. "Dido," to investigate the matter.[60] He sent the facts to the Governor of New South Wales, rightly supposing that the "cannibals" were being obtained for that colony. Once more the British Government felt called upon to send instructions to New South Wales concerning the colonists' use of cheap labour. The Governor was directed "to exercise a vigorous superintendence over the treatment of any natives who might be brought to New South Wales, in order effectually to prevent their being brought into any relation to their employers which may approach to a condition of slavery. If this precaution is strictly observed," added the Secretary of State for the Colonies, "I am induced to hope that individuals will not entertain such expectations of advantage from bringing these Islanders to New South Wales as to induce them to pursue that object by improper means." [61]

The pastoralists who tried the experiment soon found that "their expectations of advantage" from the use of these islanders were not to be realised. Some indeed showed remarkable aptitude for pastoral work. But many died, some because the climate was so much cooler than that to which they had been accustomed, and some through homesickness and loneliness. Most

59. At this time Governor of New Zealand.

60. See "Life and Episcopate of G. A. Selwyn, D.D.," Vol. I., p. 253, and pp. 257-8, by R. W. R. Tucker. Bishop Selwyn went with Captain Maxwell in H.M.S. "Dido."

61. Quoted by G. H. Scholefield, in "The Pacific" (1919), p. 51.

of the survivors deserted, and since they were not subject to the Masters and Servants' Act, the employers had no authority to regain their services.[62] The experiment failed.

Summary.

Thus, till the middle of the century, the only non-Europeans that had gone to Australia were indentured workers. Their numbers had been few, first and chiefly because there was no great need for them—British workmen supplied the demand for labour, and there was no climatic difficulty which might check the adequate development of rural industries by these Europeans. Then public and official opinion both in the mother country and in New South Wales was against the use of cheap coloured labour in this Colony because of its undesirable social effects. The little that was brought came under private enterprise, spasmodic, unorganised and half-hearted.

The views of the British authorities concerning the use of coolie labour from Asia were, however, speedily modified. For tropical agriculture they soon came to regard it as a necessity. The growth of this conviction was hastened by the ruin which overtook the established industries in the British West Indies after the abolition of slavery in 1833. The British colonies in the tropics were permitted to obtain coolie labour from India under rigid and comprehensive safeguards for the workers. From 1860, too, this labour was introduced into Natal by the sugar growers. Indeed, by the Convention of Pekin in 1860, Great Britain secured the right for her colonies to obtain coolies from China if they so desired.[63] This treaty stipulation, among

62. "Kanaka Labour in Queensland," B. Molesworth, Historical Society of Queensland Journal, August, 1917.

63. Clause V.: ". . . . . His Imperial Majesty the Emperor of China will by decree command the high authorities of every province to proclaim throughout their jurisdiction that Chinese choosing to take service in the British Colonies or other parts beyond the sea are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall, in concert with Her British Majesty's representative in China, frame such regulations for the protection of the Chinese emigrating as above, as the circumstances of the different open ports may demand." (Hertslet's Treaties, Vol. XI., pp. 112 and 663.)

Little advantage was taken of the privilege granted. The Transvaal, however, in straits for labour to set the wheels of industry again in motion after the devastating Boer war, turned to China for a short time. And during the late war, Britain, as well as France, availed themselves of China's willingness to allow her labourers to emigrate, and indentured them for work in the war zones in Flanders and in France. ("Modern China," by Sih Gung Cheng.)

others, was to cause some misunderstanding and embarrassment later on in connection with Australia's policy of restricting immigration from China.

SECTION II.

CHINESE IMMIGRATION AND THE EARLIER FORM OF THE WHITE AUSTRALIA POLICY.

Chapter 2.—THE GOLD RUSH AND TEMPORARY RESTRICTIONS.

The "White Australia" policy was formed during the second half of the nineteenth century. At the beginning of this period, Asiatics came in such numbers that it was found necessary to check their inflow. The measures taken for this purpose were at first restrictive. But they became more and more stringent till by the beginning of the twentieth century they were given a prohibitive character. And for specific legislation, a measure of a universal character was substituted.

Looking at the policy for the present as referring to Asiatic immigration only, there seem to have been four distinct stages in its development:—(a) Isolated and temporary action with the object of checking Chinese immigration in the time of the gold rush; (b) attempted concerted action in the early eighties; (c) the adoption of fairly uniform restrictive measures by the Colonies in 1888; (d) the adoption of a White Australia policy by the Commonwealth. During the first three periods the colonists had to consider the question of Chinese immigration only. But within a decade thereafter, the policy had widened so as to include all peoples whose civilisation and standards of life at that time differed fundamentally from those of Australians.

The glitter of Australia's gold lured diggers from the Flowery Land as well as from Europe. Before 1851 a few Chinese had indeed ventured to New South Wales, but they were so few that they had been almost unnoticed. During the three years ending 1849, for instance, only 28 had arrived. In view of what followed their entry in large numbers into Australia, it is interesting to note that the agents who were trying to recruit indentured Chinese labour for New South Wales, cir-

culated in Hong Kong notices printed both in English and Chinese telling of the richness of the Australian goldfields, in order to arouse a desire to emigrate thither.[1]

Because of her richer mines, Victoria received the yellow tide first. The measures she took to prevent it from flooding the country, after a few years turned its strength towards New South Wales. Then the latter was forced to take energetic measures which in a short time also brought about a subsidence.

Character of the Chinese Immigration.

In some respects the Chinese immigration was of a very different type from that which flowed from Europe. In the first place, it lacked as a whole that free and independent spirit characteristic of the European adventurers whom the gold attracted to Australia. In order to be able to go to the goldfields, some of the Chinese immigrants had sought aid from their countrymen, pledging as security for its repayment the services and even the persons of their relatives.[2] The emigration of many was due to the enterprise of Chinese merchants and others who sent them out under contract to work on the goldfields for a certain time at a fixed wage. Those who came under these conditions were under the supervision of head men, representing the Chinese speculators, by whom the funds for the voyage were advanced. They were in every way subject to the orders of these agents till they had fulfilled their contracts.[3]

This system seemed to the Governor of Victoria to be "something very closely approaching a traffic in slaves." It had, indeed, important points in common with the indenture system that was being tried by some of the settlers. But it may be doubted whether the colonists noticed these resemblances—the dissimilarities were too striking. The effect produced on the colony in the two cases was altogether different. In the case of indentured Chinese working for the settlers, their labour contributed to the economic development of the colony. In the other, the energy and industry of a large number of the Chinese immigrants were of no benefit whatever to Australia—the gold they obtained went to enrich speculators in China. And thither,

1. Communication from Sir John Bowring, an enclosure in Despatch from Newcastle to FitzRoy, 5/2/53, No. 22.

2. See Report of Select Committee, Vict. Parl. Debates, 1856-7, p. 1382.

3. Sir H. Barkly (Governor of Victoria) to H. Labouchere, 3/12/57, Despatch No. 118.

as was shown later, the great majority of the rest sent their savings, and themselves returned as soon as they had obtained a competence. During the 12 months ending 30th June, 1857, for instance, 116,903 ozs. of gold, worth about half a million pounds, were exported from Melbourne to China.[4] Some of the European miners, it is true, also left the colony later on, but the majority were to contribute to its permanent settlement and prosperity. To many of the colonists the Chinese seemed "a swarm of human locusts."[5]

The Chinese immigrants remained as separate and distinct from the rest of the people on the goldfields as oil from water. Their customs, mode of living, dress, and even physical appearance set them apart even from the very heterogeneous mass of humanity to be found there. A Chinese quarter grew up on all the larger goldfields. The total dissimilarity of these immigrants who came in bodies, quickly attracted general attention to their presence.

The transport of Chinese became a part of "the mercantile system"[6] of Victoria, to use the words of the Governor of that colony, the merchants and shipowners appearing to be perfectly indifferent as to results that might ensue from an excessive influx of this people. "They send their ships to Hong Kong, or other ports in China, and receive a living cargo with as little scruple as they would ship bales of dry goods," commented Sir Charles Hotham.[7]

Hostility of European Miners to Chinese Immigrants.

By 1855 the numbers of Chinese on the goldfields began to cause uneasiness. The European miners resented their presence. They complained that their operations were sometimes obstructed by them. This obstruction on the part of some of the Chinese was mainly due to their ignorance of European customs and of the established regulations for the goldfields.[8]

The large aggregate of their earnings, too, excited jealousy, a feeling which pervaded the rest of the community when it was

4. Sir H. Barkly to H. Labouchere, 3/12/57, Despatch No. 118.

5. "The Empire" newspaper (Sydney), February, 1861.

6. Sir Charles Hotham to Secretary of State for Colonies, 15/6/55, Despatch No. 80.

7. Ibid.

8. J. A. Paton, Resident Commissioner on Bendigo Goldfield, to Chief Commissioner of the Goldfields of Victoria, 29/6/54, enclosure in Despatch No. 87, Sir Ch. Hotham to Duke of Newcastle, 17/7/54.

found that all their earnings were sent out of the country. The restless and turbulent element on the goldfields soon seized upon the increasing number of Chinese as an excuse to create a disturbance. They were not slow to point out the effect that the presence of a large number of such "servile" workers would have on the price of labour.

Threatened Trouble on Bendigo Goldfield.

The first outbreak of hostility against the Chinese was threatened at the Bendigo goldfields in July, 1854. At a public meeting held at Sandhurst at the end of June, it was proposed that "a general and unanimous rising should take place in the various gullies of Bendigo the 4th of July next, for the purpose of driving the Chinese population off the Bendigo goldfields."[9] The authorities of the district, however, prevented any such disturbance by their prompt and tactful handling of the situation. The police magistrate at Sandhurst at once interviewed the leader of the movement, and warned him of its impropriety and illegality.[10] The Resident Gold Commissioner posted placards calling upon the miners in conciliatory yet decided tones to maintain peace and good order, assuring them at the same time that he had instructed the other Commissioners in the district to protect them from any waste of water or encroachment on the part of the Chinese.[11] At the same time he obtained from headquarters an addition of 50 troopers in case of emergency. The good sense of the community on the goldfields prevailed, and the threatened disturbance did not take place.

Goldfields' Royal Commission Suggests Restriction of Chinese Immigration.

The apprehension of an enormous influx of Chinese which hung over the Colony[12] in 1854 began to be realised the following year. The Royal Commissioners appointed at the beginning of 1855 to enquire into the trouble that had occurred on the goldfields, emphatically pointed out to the authorities the rapidity with which the Chinese were quietly flocking thither in

9. Report from Resident Commissioners, 29/6/54, enclosed in Despatch No. 87, Sir Ch. Hotham to Duke of Newcastle, 18/7/54.

10. Communication from Police Officer, Sandhurst, to Colonial Secretary of Victoria, 29/6/54, enclosed in Ibid.

11. Report from Resident Commissioner, 29/6/54, enclosed in Despatch No. 87, Sir Ch. Hotham to Duke of Newcastle, 17/7/54.

12. Hotham to Secretary of State, 15/6/55, Despatch No. 80.

bodies. According to the census of 1853, there were 2000 Chinese in the Colony. Now the Commissioners found that at the beginning of 1855 there were 10,000 on the goldfields. During the month of their report (March), four ships arrived, bringing 1400 of the Eastern immigrants. One Chinese naively stated to the Commissioners that "all" were coming, thereby calling up an unpleasant vision of the possible future swamping of the handful of white people in Victoria by swarming Asiatics. The Commissioners, therefore, recommended the restriction of this immigration from China. They suggested two ways of doing this:— (a) A passenger limitation, the number of Chinese brought by any vessel to be proportioned to its tonnage; and (b) the imposition of an entrance tax.

The Victorian Legislature acted on the Commissioners' advice, for by June the numbers had increased to 17,000.[13] The colonists began to feel that they "could without much difficulty calculate the period at which the Chinese would outnumber the subjects of the Queen of Great Britain" in Victoria, and they pictured to themselves the accumulation of difficulties to which such a state of things would give rise.[14] The existence, too, in the midst of a British population of distinct communities consisting of men only, alien in race, language and religion, was regarded with anxiety.[15]

1855 *Restriction Act.*

In June, 1855, therefore, was passed "An Act to make Provision for Certain Immigrants."[16] The methods of restriction recommended by the Commissioners were adopted. The number of Chinese passengers that could be brought in any vessel was limited to one for every ten tons of registered tonnage. A capitation fee of £10 was imposed, for the payment of which the captain was made responsible. This entrance tax was to form a fund to be set apart for "the relief, support and maintenance of such immigrants," and the right to collect, for the same purpose, an annual residence fee, if necessary, was declared. The Government appointed Protectors to look after the interests of the Chinese. Their duty was to adjudicate in any disputes in

13. Ibid.
14. Sir H. Barkly to H. Labouchere, 3/12/57, Despatch No. 118.
15. Ibid.
16. 18 Victoria, C. 39.

which the Chinese might be concerned, and to direct the "domestic economy of their villages."[17] This plan had been tried with success on the Bendigo goldfield. It was hoped by this scheme to reduce the chances of collisions between the Celestials and the other miners, to obtain over them "a proper supervision" and control, and, through the enforcement of regulations, to add to their comfort.[18]

Attitude of the Governor.

The Governor, Sir Charles Hotham, did not hesitate to assent to this unusual legislation. In view of the type of emigration that flowed from China, its increasing volume, the feeling it aroused in the Colony, and the prospective difficulties it must occasion if unchecked, he felt that it was impossible to maintain the principles which it was Britain's pride to uphold in the old world. "We encourage and give protection to the foreigner, and we care not to enquire the name of his country, but I apprehend we should consider the necessity of enacting some prohibitory law, if a weekly invasion from this nation took place," the Governor reflected.[19] He carefully reviewed the nature of Britain's relations with China, and more especially the commercial treaty of 1842, but found nothing that prohibited the measure of self-defence which the colony wished to adopt.[20]

Thus the Governor assented to this Bill because he believed it to be necessary for the safety and well-being of Victoria. Possibly the principle which the Bill embodied did not seem to the Legislature, which had just prohibited the entry of expirees from Tasmania,[21] so unusual as it appeared to the Governor. Only a short time before, too, this Colony, in conjunction with New South Wales and Tasmania, had vehemently asserted its right to exclude "exiles"[22] sent out from Britain. It had excluded these two types of British subjects, its own kith and kin, because it believed that their immigration would be socially

17. Hotham to Secretary of State, 15/6/55, Despatch No. 80.

18. Ibid.

19. Ibid.

20. Ibid.

21. 18 Vict., No. 3. An Act to prevent an "influx of criminals" came into force at the beginning of the rush to the goldfields, when swarms of ticket-of-leave men invaded the colony. (Quick and Garran's "Annotated Constitution of the Commonwealth of Australia," p. 624.)

22. A euphemistic term used to denote convicts whom, under a reformed penal system, the British authorities had proposed to send to the colonies in the east of Australia after they had worked out part of their sentences.

pernicious. It did not hesitate, therefore, to exclude these foreigners whom it considered undesirable.

In view of the attitude of the Colonial Office later, it may be well to note that the Victorian Act was allowed by Britain without even a comment.

Practical Failure of Act.

The great number of immigrants drawn from many peoples, that flocked at this time into the Colony, made it practically impossible for the recently organised Victorian Government to carry out the restrictions which it had imposed. By the middle of 1857 there were between thirty and forty thousand Chinese in the Colony.[23] Thousands entered without paying the entrance fee.[24] In the first six months of 1857 no fewer than 14,486 landed at Guichen Bay (South Australia) and quietly made their way overland to the goldfields.[25] The masters of vessels thus evaded the penalty by landing the passengers in South Australia, then sailed back to Melbourne to land their cargoes. So notorious did this fact become, and so absurd did it seem to continue a plan which only served to impose a burden on the trade of the Victorian merchants with China,[26] that early in the session 1856-7, the Victorian Government introduced a Bill to repeal the Act of 1855. The Parliament, however, showed itself unwilling to abolish the entrance tax, so the Government attempted to repeal only the passenger limitation, in the hope that ships would once more come direct to Melbourne. It was thought that the Chinese would rather pay the entrance tax than spend a good deal in the long fatiguing journey over uninhabited country to the goldfields.[27] The Bill would probably have passed into law but for the extraordinary numbers which began just then to arrive from Guichen Bay. Feeling, too, was at this time heightened by news of the indignity offered to the British flag at Canton, the subsequent hostilities with China, and the outbreaks of the

23. The Colonial Secretary, Mr. Haines, said in June that there were 33,694 Chinese (Vict. Parl. Debates, 1856-7, p. 1003). The census of March, 1857, only included 25,528 Chinese, but it was known that many moving about in the Colony and those on their way from South Australia were omitted. (Sir H. Barkly to H. Labouchere, 3/12/57, Despatch 118).

24. In December, 1856, the Commissioner for Trade and Custom said that about eight or nine thousand had come in without paying. (Vict. Parl. Debates, 1856, p. 92.)

25. Sir H. Barkly to H. Labouchere, 3/12/57, Despatch No. 118.

26. Ibid.

27. Ibid.

Chinese population at Singapore and Sarawak.[28] Agitation began again on the goldfields. The Government knew that only a spark was needed to cause the smouldering feeling to burst into flame. So they dropped the Bill, and vainly tried to calm the excitement.

Buckland Riot.

On the 4th July occurred the disgraceful riot on the Buckland River goldfield. The civil power on this part of the Ovens River goldfields was represented solely by two policemen, whose duty it was to escort the gold to Beechworth, some 60 miles away, and to keep peace and order among a population of 700 European miners and 2000 Chinese. Sir H. Barkly, the Governor of Victoria, had earlier in the year made a tour of these fields, and on his urgent recommendation a resident warden with an adequate force was appointed, but, unfortunately, had not actually arrived when the riot broke out.

The miners had urged more stringent measures on the Government, but without success. They now resolved to take matters into their own hands, and through their action to force the Government to deal adequately with the Chinese immigration. On the 4th of July,[29] those on the Buckland River field held a meeting, and determined to drive the Chinese away. Every care should be taken, they decided, to preserve the effects of these people by giving them a fair time for their removal. No unnecessary violence and no wilful destruction of property should be countenanced.[30] But no sooner was the meeting over than about one hundred of the men decided to begin operations at once. Within twenty minutes after their arrival at the first Chinese encampment, nothing remained but "blackened tent poles, festooned with burning shreds." Soon the four Chinese encampments presented the same appearance. The miners hustled the almost unresisting and panic-stricken Chinese across the river. The worst feature of the eviction was the needless personal

28. Ibid.

29. This seems to have been a favourite date for disturbances. It was also chosen, for instance, for the trouble which was averted at Bendigo in 1854.

30. "The Argus" newspaper (Melbourne), 13/9/53, taken from the "Ovens and Murray Advertiser." For description of trouble on goldfields, see contemporary numbers of this newspaper; Wm. Westgarth's "Colony of Victoria" (1864), pp. 185-8, 215-224 (Mr. Westgarth was one of the Commissioners of 1855, who recommended the restriction of Chinese immigration); Sir H. Barkly's Despatch No. 118, of 5/3/57; W. E. Aldcock's "Gold Rushes of the Fifties," pp. 129-132.

violence for which the more cowardly and ruffianly element was responsible. Chinese were knocked down and robbed, and most of the baggage which they did not drop as they fled, these upholders of the rights of the white man snatched and flung into the river. So great was the mass of bedding and other portable articles thus cast into it that eye-witnesses declared it was quite easy to cross dryshod. When the last of the Chinese had been driven across the ford, their expellers returned to their camp, past the charred joss-house which had been opened with so much pomp and rejoicing only a few days before, past the pillaged and burnt encampment where so lately had stood hundreds of tents.

The following day the Buckland Miners' Anti-Chinese League was formed. The co-operation of the entire mining community on every goldfield was invited. The violence and robbery of the previous day were condemned, and a Committee was formed to assist the coming police in any way that might be necessary. This praiseworthy attitude of the miners would have been more convincing if a greater number of them had the day before come to the aid of the few who had sought to stop the ill-usage, but who for their pains only received a large measure of it themselves.

Thirteen arrests were made by the police[31] when they arrived. The Chinese were invited to return. Only about fifty ventured to do so for a considerable time, the rest, afraid, remaining encamped in the bush. Three Chinese were found dead. They were ill when driven away. Fright and exposure during the coldest winter month, perhaps a share of the ill-treatment, did the rest.

The following extract from the Governor's Despatch[32] to the Colonial Office in December, gives a realistic history of immediately subsequent events, and discloses his own active efforts to bring about a more satisfactory state of affairs with regard to the Chinese immigration: "So deplorable, in fact, was the havoc, so disgraceful the pillage committed by some of the parties concerned, that a decided reaction in favour of the unfortunate victims was produced throughout the other goldfields; and as

31. It is interesting to note that one of the police concerned in the arrest of the rioters was Robert O'Hara Burke, later to be the leader of the first successful, but tragic, overland expedition from the south to the north of Australia. See p. 78 of J. Sadleir's "Recollections" (1913).

32. No. 118 of 3/12/57. The Despatches written by Sir Ch. Hotham and Sir H. Barkly form the most valuable source of information on the subject of Chinese immigration to Victoria during this period.

the Government acted with firmness, despatching a large reinforcement to the Ovens district, and causing such of the ringleaders as could be identified to be arrested, the movement was happily prevented from becoming general, and though quarrels leading to encounters of trifling importance have since occasionally broken out in various parts of the colony, the miners, on the whole, seem satisfied to leave the Legislature to deal with the question, and matters, even at the Buckland, have resumed their wonted course."

Juries Acquit Rioters.

"So strong, nevertheless, was the sympathy of the mining population with the feelings which prompted the outbreak, and so distrustful have juries grown, both of Chinese testimony to the personal identity of Europeans, which no doubt is apt to be mistaken, and of Chinese interpretation, which is suspected to be often directed to glossing over discrepancies and bolstering up evidence, that it was found impossible by the Crown lawyers to procure the conviction of more than four of the Buckland rioters, and even in a case of robbery from the person distinctly sworn to by several Chinese witnesses and not rebutted, the prisoners were at once acquitted amid the cheers of the bystanders."

Attempts to Secure Co-operation of Adjoining Colonies.

"Such manifestations of distorted feeling suggested serious reflections to all responsible for the well-being of the Colony, and I thought myself bound to take a more active interest than I have done in regard to most questions of internal policy. As the most obvious mode of correcting the evil, as far as the Courts of Justice were concerned, I wrote with the full concurrence of my advisers to Sir John Bowring,[33] to beg him, if possible, to engage the services of three or four Europeans sufficiently acquainted with the Chinese language to act as sworn interpreters. I also addressed myself to Sir Richard Macdonnell to secure the co-operation of the South Australian Government in checking an immigration which threatened to prove as great a nuisance at Guichen Bay as on our goldfields, and finding from the good feeling existing since the settlement of the Murray

33. Then Governor of Hong Kong and British Plenipotentiary in China.

River Tariff, that there was every probability of a Bill being passed to extend the £10 admission tax to that Colony, I turned to Sir Wm. Denison to urge the same course, and was glad after some correspondence to learn that the Legislature of New South Wales was prepared to join in this same mode of exclusion after the end of the present year; so that I trust the tax will be uniformly levied at every port on the eastern and southern coasts of Australia."

Further Legislation Against the Chinese.

"Meanwhile, my Ministers," continued Sir H. Barkly, "as a further means of repression, as well as to cover expenses occasioned by the appointment of additional Protectors and the carrying out of sanitary and other regulations in the Chinese camps—the filthy state of which formed a ground of complaint —introduced and carried the Bill,[34] imposing—as originally framed—a licence fee[35] of £1 monthly on every male adult, subsequently reduced to £1 payable every two months."

It is instructive to watch Britain's representative in Victoria taking the initiative in the attempt to obtain uniform legislation against the immigration of Chinese into the adjoining colonies. So convinced was he of the evils of this immigration, that he did not hesitate to declare to the Colonial Office his intention to assent to even more stringent measures than the Act of 1857 should they be necessary.[36] And he gave public expression in Victoria to his views.[37]

The rioters had indirectly achieved their object. They had aroused the Government to the need of more effective measures for the restriction of Chinese immigration. These measures assumed the form of (a) attempts to secure uniform restrictions in the adjoining Colonies, and (b) more drastic legislation in Victoria.

The Chinese in Victoria raised a great outcry against the residence tax. Following the example set them by the European miners, 1200 Chinese held a public meeting at Castlemaine, and

34. 21 Vict. C. 41. "An Act to Regulate the Residence of Chinese Population in Victoria."

35. More correctly, a residence tax, which all Chinese over the age of 12 years had to pay.

36. Despatch No. 118 of Hotham to Secretary of State, 3/12/57.

37. See his speech at meeting concerning Chinese missions, the "Argus" newspaper (Melbourne), 5/8/57.

sent a petition to the Victorian Parliament, protesting against the proposed measure.[38] They asserted that the tax was more than the poorer could pay. Their protests and those of some of the colonists, together with the inconvenience of re-issuing residence licences so frequently, caused the tax to be reduced after a few months to £4 a year, and to be paid quarterly or half-yearly.[39] The same entrance tax was imposed upon those who came overland as upon those who came by sea—a regulation which, of course, could be evaded with the greatest ease.

Measures of 1857 *Effective.*

Still, the residence tax and the more careful enforcement of the 1855 restriction stemmed the inflowing current. The 40,000 Chinese that were in the Colony at the end of 1857 had, by 1859, increased only to 42,000.

Restriction in South Australia.

Upon the authorities in South Australia the Victorian Government did not call for help in vain. This Colony felt that it was not neighbourly to afford a back door through which the Chinese could slip into Victoria against the latter's wishes. It realised, too, that the presence of Chinese in large numbers was a social danger that might become common to all the Colonies. So in 1857 the South Australian Parliament passed an Act almost identical with that of Victoria (1855).[40]

In conformity with its promise, the Government of New South Wales introduced a Bill into Parliament at the beginning of 1858. But they gave little evidence of a sincere desire to help Victoria effectively—they placed the passenger limitation on the low basis of one to every two tons, and proposed an entrance tax of £4 only. They declared their readiness, however, to mould the Bill according to the will of Parliament. The will of the Lower House proved to be in favour of a £10 tax. As one member of the Legislative Assembly said,[41] the people's representatives had no desire to offer a premium to the Chinese to land in New South Wales instead of in Victoria.

38. "The Colony of Victoria" (1864), p. 221, Wm. Westgarth.

39. 22 Vict. No. 80.

40. 21 Vict. C. 3. The passenger limitation differed slightly from that imposed by the Victorian Act.

41. H. Parkes, N.S.W. Parl. Debates, as reported in "Sydney Morning Herald" (newspaper), 10/4/58. From 1856 to September, 1879, the New South Wales Parliamentary Debates seem to be available only in newspapers.

New South Wales: Its Attitude to Chinese Immigration in 1858.

The discussion in the Legislature of New South Wales on the proposed measure against Chinese immigration is particularly illuminating at this stage. As yet the question was not a pressing one in that colony. It was therefore considered in calmer and more impersonal fashion than any later Bill on the same subject till the nineties. Opinion was fairly evenly divided. Those who were in favour of restriction had a vivid realisation of the fact that 40,000 male adult Chinese had arrived in Victoria in five years from a country with a population of hundreds of millions. They feared the effect of Chinese immigration on the British character of the community.[42] They knew that these immigrants were utterly alien in ideas and customs. The Chinese therefore, neither would nor could help to maintain and improve British institutions in Australia.[43] The supporters of a restrictive policy admitted that the Chinese might possibly help very much indeed in the economic development of the colonies.[44] But this, they contended, should not influence the main issue. The Chinese would remain an "inferior" element in the community. They would be a "sore" that would develop into "a plague-spot," impossible to eradicate, like that left by the slavery system in America.[45] Their presence would mean the cheapening of labour,[46] and therefore the discouragement of British immigration.

The ablest supporter of the proposed restrictive measure of 1858 was Mr. (afterwards Sir) James Martin, Attorney-General, later to be Chief Justice of New South Wales. His impartial consideration of the subject is strongly suggestive of that part of the Immigration Report, submitted to the Legislative Council in 1841 by Bishop Broughton, which deals with the question of the proposed indentured labour from India.

Those who opposed the restriction of Chinese immigration did not anticipate racial deterioration from its influx.[47] Dis-

42. Mr. (afterwards Sir) James Martin, in Legislative Assembly, as reported in S.M.H., 10/4/58.
43. Ibid.
44. Ibid.
45. Mr. Jones, in Legislative Assembly, as reported in "Sydney Morning Herald," 20/5/58.
46. Mr. Thornton, ibid, 10/4/58.
47. Dr. Bowker, ibid, 10/4/58.

crimination between emigrants from different countries was, in their opinion. unfair; it was the result of mere race prejudice which was unworthy of a civilised people.[48] The world had censured China for her exclusion policy. Would not the Australian colonies be deserving of the same censure if they erected barriers for the exclusion of the Chinese?[49] They also opposed the restriction on humanitarian grounds.[50] Were they to exclude the people of an industrious and civilised race, who in their own country were often exposed to want which was partly the result of a teeming population? The British took this land from the native inhabitants because they could make it more valuable to human beings. By what right did they now attempt to exclude the Chinese from coming for the same purpose?[51]

It will be seen that the arguments of those who were in favour of restricting Chinese immigration were mainly national and racial, while those taking the other side were chiefly cosmopolitan in their views. The one looked with anxiety on the probable practical effects of such immigration; the other, disregarding this aspect almost altogether, kept within the region of theoretical "rights."

A good deal of ignorance concerning the Chinese, a considerable amount of mere prejudice, and much smug conviction of racial superiority were manifested by some of those who took part in the discussion. It should be remembered, however, that many were estimating possible future Chinese immigration by the type that was then flowing to Australia. These immigrants belonged almost exclusively to the coolie classes, and were certainly not such as to command much respect.

Numbers of Chinese in New South Wales Increasé.

The Legislative Assembly, as a whole, concluded that such immigration would be injurious to the future welfare of the colony, and that consequently it was within the competence of the Colonial Parliaments to regulate it. Unfortunately for the peace of New South Wales a few years later, the Upper House came to a different conclusion, and threw out the Bill. It was unfortunate, because the numbers of Chinese coming by sea to

48. Mr. Owen, S.M.H., 10/4/58.
49. Mr. Hay, ibid.
50. Mr. Forster, ibid.
51. Ibid.

New South Wales were just then beginning to increase rapidly. In 1856, for instance, only 896 Chinese had arrived, and the following year a smaller number still, 327; but during the year 1858, 12,096 came.[52] From inhospitable Victoria, too, the harassed Chinese streamed into New South Wales.[53] By 1861 there were estimated to be 21,000 Chinese in the Colony, that is, one in sixteen of the population.[54]

Miners Resent Their Presence.

The miners in New South Wales were not more inclined to welcome them than were the miners in Victoria. Petitions for their exclusion poured into the Parliament. In this matter there was no tendency to cosmopolitanism on the goldfields. Instinctive racialism found quick expression, crude and even brutal, but as effective as it had been in Victoria. The Chinese had as much right in the country as Englishmen? Then the English might as well be Hottentots for all their birthright was worth.[55] The presence of the Chinese was a social scandal and a menace; indeed, the individual reasons for their exclusion were too numerous for mention, asserted the miners, after enumerating in one of their petitions all their chief objections to Chinese immigration.[56] As in Victoria, complaints were made that the Chinese wasted the resources of the goldfields to the detriment of European miners.

Investigations in New South Wales both then and later proved that the conduct of the Chinese was, if anything, better than that of Europeans, and the charge of wastefulness could not be substantiated. It has been seen, however, that the representatives of the people believed that there were reasons sounder than those enumerated by the miners that made the restrictions of Chinese immigration desirable.

When no notice was taken of the New South Wales miners'

52. Parliamentary Report in Journal of Legislative Council of New South Wales, 1858, Vol. 3, p. 313.

53. Article in "Sydney Morning Herald," 8/3/88, states that from Victoria there came in 1860 11,000 Chinese to Lambing Flat (near Young) alone. It is dangerous, however, to place much reliance on statistics except from authoritative sources. The figures given by contemporaries, however, give a fairly accurate general idea, and they certainly reveal the current statistical belief, a knowledge of which is essential to estimate the feeling at the time, and to understand its expression in legislative and other action.

54. Secretary of State to Sir J. Young, N.S.W., V. & P. of Leg. Assembly, Vol. 4, p. 121.

55. Letter to "Empire" (Sydney newspaper), February, 1861.

56. Petition to N.S.W. Legislative Assembly, V. & P., 1858, Vol. 2, p. 945.

demands, they adopted the same violent methods of expulsion as the Victorian miners, and with much the same result. At the beginning of the strong agitation on the New South Wales goldfields (1861), a Chinese Restriction Bill had been introduced by a private member (Mr. Lucas) of the Legislative Assembly, but once more the Upper House had thrown it out under the impression that it was "a farrago of absurdity."

The Riots in New South Wales.

The Burrangong goldfield in New South Wales gained the same notoriety as the Buckland River goldfield in Victoria. At the end of January, 1861, a meeting was held at Lambing Flat[57] (Burrangong, near Young), "to consider whether this is an European digging or a Mongol territory."[58] From the meeting the more turbulent with banners flying and bands playing marched en masse towards the Chinese camp. The terrified Celestials, seizing their portable belongings, fled before the attacking party. There was the same pillage, burning and ill-usage as on the Buckland River several years before. Finally, soldiers were despatched to the scene of disorder. Before the arrival of the military, Mr. (afterwards Sir) Charles Cowper, Premier of the Colony, visited the goldfield himself to see the exact position of affairs, and to use whatever influence he possessed to prevent any further commotion. He was well received, and his conciliatory attitude seemed to have a tranquilising effect.

But the hatred of the Chinese was still smouldering. Their return to the goldfields, the arrival of many newcomers during the next few months, and the absence of any further attempt in the Legislature to restrict the immigration, caused the flames to burst out with greater violence than before. A serious riot occurred on the 30th June, and was accompanied by the usual cowardly brutality. Three arrests were made. The miners threateningly demanded the immediate release of their comrades. The police were finally forced to use their firearms. One miner was killed, and several combatants on both sides were

57. Lambing Flat "diggings" comprised Surface Hill, Spring Creek, Stoney Creek and Wombat (see speech by Mr. Ch. Cowper (Premier) in Legislative Assembly of New South Wales, as reported in "Sydney Morning Herald," 13/3/61.

58. Account of meeting, in "Sydney Morning Herald," 4/2/1861.

injured. The report of an attack to be made the next morning caused the small number of police on the goldfield to think discretion the better part of valor, and to retire to the nearest town, taking with them their three prisoners. Again the military were soon on the scene, but the disorderly element remained discreetly in the background. The example of the miners at Burrangong was followed on other goldfields. The unfortunate Chinese took refuge where they could. One station owner, James Robert, supplied over 1200 destitute Chinese with the necessaries of life for several weeks.[59] The Government—like the Government of Victoria in 1857—compensated in some measure those who had been despoiled by the rioters.[60]

Legislation in New South Wales.

Its Effect.

Though the violence was deprecated, the general feeling in the colony was in favour of the restriction of the Chinese. Juries acquitted the three rioters who were brought to trial. In November, 1861, was passed the Chinese Immigration Restriction Act,[61] practically the same as the Victorian Act of 1855. The Act effectually checked the inflow. In 1862 only 1030 Chinese came by sea, and in 1863 only 63. No doubt the decreasing value of the goldfields, as well as the restrictions, had something to do with the smaller numbers.

Britain's Attitude to Discrimination Between Resident Aliens.

Her View of Restrictive Principle in the Colonies.

By the Goldfields Act of the same year, an attempt was made to prohibit Chinese from working on goldfields after July, 1862. But this attempt to discriminate between residents in the Colony was unsuccessful. Equality of treatment for all sections of the community was insisted upon.[62] But the principle of discrimination found successful though indirect expression in the Chinese Immigration Restriction Act. By this Act naturali-

59. The Government afterwards indemnified him for expense incurred.

60. New South Wales, V. & P., 1862, Vol. 4, p. 9. £4240 of the £40,623 claimed by the Chinese was paid.

61. 25 Vict. C. 3.

62. See speech by W. C. Wentworth, President of Legislative Council, "Sydney Morning Herald, 24/10/61, and of H. Parkes, in Legislative Assembly, "Sydney Morning Herald," 26/4/61.

sation was withheld from the Chinese. The British authorities had made no comment on the various Chinese Bills in Victoria. The imposition in that Colony of a residence tax on the Chinese was a discrimination between resident aliens, but there was this mitigating circumstance in Victoria's case—the fees, together with the entrance tax, formed a fund which was used solely for the benefit of the Chinese themselves. The British authorities now plainly stated their opinion that the denial of naturalisation to the Chinese in New South Wales was impolitic and unnecessary.[63] It was unwise to withhold from the Chinese who stayed in the Colony any inducement to become good citizens, and the prohibition appeared to be unnecessary because experience was showing that the majority returned to China.[64] The Secretary of State for the Colonies expressed the hope that the Parliament of New South Wales would reconsider this provision of the Act, because it gave an "illiberal and harsh appearance" to their legislation.

Britain's representative in the Colony, Sir John Young, had felt as dubious about the policy of restricting Chinese immigration by means of a passenger limitation, as about the policy of withholding the right of naturalisation. But to Britain, this method of restriction seemed much less objectionable than the denial of naturalisation. If it were necessary to restrict Chinese immigration, it was surely much better to prevent the arrival of immigrants than to harass them after they entered the Colony.[65] Moreover, the law applied to all shipowners alike, British or other.

Britain naturally did not like the general principle of the Australian legislation on the subject of the Chinese. "Exceptional legislation intended to exclude from any part of Her Majesty's Dominions the subjects of a State at peace with Her Majesty is highly objectionable in principle," stated the Secretary of State for the Colonies.[66] Such legislation was especially embarrassing to Great Britain just at this time because of the treaty and convention of friendship which she had signed with

63. Secretary of State for Colonies to Sir John Young, N.S.W., V. & P., 1862, Vol. 4, p. 151.
64. Ibid.
65. Ibid.
66. Ibid.

China.[67] But in view of the numbers of Chinese pouring into Australia, and of the evils connected with this influx, she felt compelled to admit the necessity for its adoption.[68] The British authorities do not seem at this time to have thought that the treaties with China in any way curtailed the right of the Australian colonists to legislate against Chinese immigration if they believed it to be necessary. The Legislature of New South Wales had not been unmindful of the Empire's relations with China.[69] But it failed to see that these relations constituted any valid objection to colonial legislation intended to conserve the welfare of a British community.

Abolition of Restrictions.

Strangely enough, just as the Parliament of New South Wales was forced by public opinion to enact restrictive legislation, the ebbing of the tide of Chinese immigration in Victoria was causing that colony to consider the repeal of hers. South Australia actually did adopt this course in 1861. In Victoria, the 42,000 Chinese of 1859 had by 1861 dwindled to 24,700. This diminution led the following year to the abolition of the residence tax,[70] and a short time afterwards to the experimental suspension of the restrictions imposed in 1855.[71] By 1865 it was felt safe to repeal them altogether.[72] Two years later (1867) the Chinese immigration into New South Wales also became so small that that colony felt justified in doing what the two adjoining colonies had already done—it took down its barrier.[73] From that time onward for ten years there was no restrictive legislation in Australia against the immigration of non-European people.

Summary.

Thus, in a little over seven years, the goldfields had lured

67. Treaty of Tientsin, 26th June, 1858, Hertslet's Treaties, Vol. XI., p. 86. Convention of Pekin, 24/6/1860, ibid, pp. 112 and 663.

68. Secretary of State for Colonies to Sir John Young, N.S.W., V. & P., 1862, p. 151.

69. See, for instance, speech of Sir William Manning, later a puisne Judge of the Supreme Court of New South Wales, as reported in "Sydney Morning Herald," 10/10/61.

70. 25 Vict. C. 132.

71. 27 Vict. C. 170.

72. 28 Vict. C. 259.

73. 30 Vict. C. 8.

between fifty and sixty thousand [74] male adult Chinese to the south-east of Australia. The rapidity with which they came, the alarming ratio which their numbers soon bore to the adult population in Victoria and New South Wales, and the total dissimilarity of these newcomers from the rest of the community aroused what seem to be justifiable fears concerning the safety of the British nationality in these colonies. Measures were accordingly taken to restrict the immigration. And Britain fully though reluctantly admitted the necessity, under the Australian circumstances, of the adoption of this restrictive principle.

The heterogeneous mass of humanity on the Australian goldfields had objected to the presence of an exclusive and, in their opinion, an inferior Asiatic race—especially an "inferior" people that proved able to mine so successfully as the Chinese. Their racial antipathy found expression in conduct and language which gave unmistakable evidence that China's appellation of "white barbarians," to which Britain had officially taken exception, was not altogether inaccurate. At the door of the authorities could be laid much of the blame for the summary methods of expulsion adopted by the miners. They delayed overlong to take adequate measures for reducing the inflow from the East. Still, as several respected Chinese citizens of Victoria wrote in 1878 with regard to the riots on the goldfields: "If such a thing had happened in China—if a number of English miners had been subjected to such a cruel and wanton outrage—every newspaper in Great Britain would have been aflame with indignation; your envoy at Pekin would have demanded prompt reparation and adequate compensation; and if this had not been acceded to, some men-of-war would have been ordered to the mouth of the Pei-Ho. Our Emperor and mandarins would have been reminded of the solemn obligations they were under to be faithful to their treaty engagements, and they would probably have been lectured on the barbarous and scandalous conduct of those who had insulted and despoiled and maltreated peaceful and industrious foreigners." [75]

74. The numbers of Chinese in Victoria in 1859 and in New South Wales in 1861 would together give a total of 62,000. But there is no doubt that large numbers of Chinese came from Victoria to New South Wales during the years 1859-61 inclusive.

75. "The Chinese Question in Australia" (1879), p. 6—a pamphlet by R. Kong Meng, Cheok Hong Cheong, Louis Ah Mouy.

Chapter 3.—GENERAL ADOPTION OF THE RESTRICTIVE PRINCIPLE.

About the middle of the seventies, a large stream of Chinese emigration of the same type as came almost twenty years before once more began to flow to the shores of Australia, but this time to the north-east. The presence of these "peaceful and industrious foreigners" again roused strong opposition. As before, this opposition gradually crystallised into restrictive legislation, this time throughout the greater part of Australia. Though the public agitation against the immigration was carried on mainly by the labouring classes, the conviction that it should be restricted was much more widespread than before. The unanimity and the strength of the feeling that was growing up about it began to draw the colonies together. The feeling became the keener because the matter brushed lightly upon the fairly recently acquired political rights of the colonies—rights about which these children of the Empire were at this stage of their development somewhat abnormally sensitive and jealous.

The factors which again roused strong feeling against Chinese immigration may be summarised as follows:—

(1) The large influx of these people during the years 1875-6-7 to the newly-discovered goldfields of Queensland.

(2) Some experience by the working classes of competition with cheap Chinese labour.

(3) The example that the Pacific States of North America afforded of the results consequent on Chinese immigration, and the measures America took at this time to cope with it.

(4) Actual increased immigration into all the eastern Colonies of Australia.

(5) The introduction of dreaded diseases by this immigration.

(6) The indenture of Chinese coolies by Western Australia.

The Coming of Chinese to Queensland.

The Chinese question was suddenly brought before the Aus-

tralian Colonies by happenings in Queensland in 1876. Their attention was at this time directed to the matter chiefly in its relation to the powers of colonial self-government. The colonists were forced to consider whether the regulation or the prohibition of Chinese immigration was a purely local matter, with which the colonies were by their constitutions competent to deal, or whether it had a definite Imperial aspect which placed it partly within the control of the authorities in Britain.

Proposed Importation of Chinese Labourers by Queensland.

So little had Queensland expected to have a Chinese difficulty to deal with, that in 1874 the Government of that colony had been prepared to countenance the importation of indentured Chinese labourers by the sugar growers.[1] Queensland by this time was realising the difficulties connected with the development of its large tropical areas. To India and China the planters were looking for the steady supply of labour that could be obtained for their growing sugar industry.[2] It seemed to those who favoured the use of coolies for plantation work that such a system would need much less careful and constant supervision than the Pacific island labour traffic that had grown up in Queensland. For in China, unlike the Pacific Islands, there would be properly constituted authorities to see that the coolies were fairly recruited and the labour contracts thoroughly understood.[3] It should, then, they thought, be free from the scandals and odium clinging to the Kanaka system. If the experiment proved successful, the importation of Kanakas which had brought Queensland into such unenviable notoriety could be abandoned altogether.

The Queensland planters were not disposed to learn from New South Wales' small experience of Chinese contract labour. The recent and atrocious abuses of the Kanaka system apparently made the waning abominations connected with coolie emigration from China seem negligible in comparison.

It was found that there would be no difficulty in obtaining

1. Minutes of Queensland Executive Council, 7/7/74, in Parl. Paper, V. & P., 1875, Vol. 11, p. 553.
2. H. Eckhouse to Marquis of Normanby, 16/3/74. Ibid.
3. Marquis of Normanby to Secretary of State, 7/8/74. Ibid.

the stream of labourers required.[4] An offer was made to forward a certain number of coolies by every mail steamer.[5] It was thought that such a mode of transit would ensure proper treatment for the coolies during the voyage.

Project Abandoned.

Britain's knowledge of former coolie emigration from China, and of the precautions that the Government of India had found it necessary to take for the protection of Indian coolie emigrants, did not dispose her to countenance the importation of such labour by private individuals in Queensland. The authorities in Britain pointed out that a Government agent for the collection and disposal of such emigrants would be necessary—"such a duty not being one of those with which a Consul could properly be charged."[6] It was found, too, that by this time China allowed contract labour emigration only when it was under the control of the Government of the country to which it was directed. Such control the Queensland Government was unwilling to exercise, partly no doubt for the same reason that they would not take over the control of Kanaka immigration—its costliness. Possibly, too, no Queensland Government cared to become directly responsible for the introduction of cheap labour of any kind, because of the unpopularity they would thus gain among the working classes, who were becoming an increasingly important element in the colonial political world.

But there was another and more immediate reason for the determination of the Government of 1875 to have nothing to do with indentured Chinese immigration. Large numbers of this race were beginning to flock to the newly-discovered Palmer goldfields. "Whether it be that the continued influx of large numbers of Chinese gold-seekers is beginning to arouse the jealousy of the white labouring classes, including miners, or whether the costliness of any organised system of emigration that should be

4. Governor of Hong Kong to Governor of Queensland, 16/3/75. Ibid. After the opening of the Torres Straits line of steamers, Chinese had found their way to Queensland in small numbers. But these consisted chiefly of the "offscourings" of Singapore, a class that was both undesirable and of little use. Those interested in the plan of importing coloured labour thought that the best way of checking the immigration of Chinese of this class would be to encourage the emigration of the best description of Chinese labourers direct from Amoy.

5. Marquis of Normanby to Secretary of State, 7/8/74. Parl. Paper, Queensland, V. & P., Vol. II., p. 553.

6. Secretary of State to Marquis of Normanby, 3/3/75. Ibid.

under Government auspices or control, may weigh with my advisers, I cannot yet decide," reported the newly-arrived Governor, Mr. (afterwards Sir) W. W. Cairns.[7] By May, 1875, the Queensland Government definitely declared that they would in no way encourage Chinese immigration. Indeed, they had "never contemplated Chinese immigration to Queensland; on the contrary, when requested to appoint an agent in China for the purpose, they had always declined to do so," they asserted.[8]

Instead, the Adoption of a Policy Restrictive of all Chinese Immigration.

Such an emphatic declaration of the Government's attitude to the proposed indenture of Chinese is not surprising, in view of a determination they had made public a month before. As early as the 13th April they had notified the Governor of Hong Kong of their intention to quarantine all vessels which came from China to Cooktown,[9] and to place heavy disabilities on Chinese at the goldfields.[10] They had thus resolved to take severe measures to check voluntary Chinese immigration.

A glance at the numbers arriving in Northern Queensland during the years 1875-6-7 shows that the Government had cause for uneasiness which the increasing numbers turned to alarm. During the twelve months ending April, 1875, only 1736 miners' licenses were issued to Chinese on the Palmer goldfield. But during the year 1875, 7000 of these people paid the license fee.[11] And by 1877, 17,000 Chinese had practically taken possession of this goldfield, the "whites" in the district numbering only 1400.[12] By the middle of 1877, the average proportion of Chinese to Europeans in Queensland was about 1 to 10. But the Chinese immigrants were almost without exception male adults. The proportion that they bore to the male adults of European origin in the colony was rather startling.[13]

7. W. W. Cairns to Secretary of State, 10/4/75. Parl. Paper, Queensland, V. & P., Vol. II., p. 553.

8. Memorandum by Colonial Secretary to Governor, 4/5/75. Ibid.

9. Cooktown was the port for the Palmer goldfields.

10. See p. 95 of Vol. I. Queensland's V. & P., 1875.

11. S. W. Griffiths (Attorney-General), in Legislative Assembly of Queensland, Parl. Debates, 1876, Vol. XX., p. 376.

12. C. S. Mein (Postmaster-General), Parl. Debates, 1877, Vol. XXII., p. 72. G. Thorn, Minister for Works, said there were 19,000. Parl. Debates, 1877, Vol. XXIII., p. 234.

13. There were 170,000 Europeans in Queensland at this time. In the same year, Sir. J. Robertson spoke in the New South Wales Legislative Assembly of the 25,000 Chinese in Northern Queensland ("Sydney Morning Herald's" report of Parl. Debates, 5/7/77).

In view of what was happening on the Palmer and Hodgkinson Rivers, fear arose that the Chinese might practically overrun the north of the colony.[14] Fully one-third of Queensland was still unsettled—a foreign race must not be allowed to occupy it. Especially did the colonists object to the occupation of any part of their territory by the Chinese who came to their goldfields.[15]

Queensland's Resolve Strengthened by Example of Chinese Question in America.

Queensland was not unmindful of the probability, the certainty, indeed, that some of the "servile" Chinese would remain a permanent element in the population. The number of Chinese that had stayed in Victoria and New South Wales was not very large, it is true. But the experience of the Pacific States of North America had been somewhat different. And their experience Queensland was at this time closely watching.[16] Many of the Chinese who in the middle of the century had flocked over to the Californian diggings had remained there. Their number was augmented by those who had been indentured for work on railways and other large undertakings. A strong agitation arose against any further Chinese immigration. The Federal Legislature of the United States perforce appointed a Commission to enquire into the matter which was causing such turmoil in the Pacific States. The Commissioners reported, after giving many graphic and unpleasant details, that Chinese immigration had shown itself to be "ruinous to our labouring classes, promotive

14. John Douglas (Premier), in Queensland Legislative Assembly. Parl. Debates, 1877, Vol. XXIII., p. 34.

15. A missionary who had worked among the Chinese at Hong Kong for eight or ten years, came to Queensland in 1877 in a ship which carried 762 Chinese passengers. Of them he subsequently wrote to a Brisbane newspaper: "By far the greatest portion of coolies were from the lowest grades of society, about 400 of them being so uninviting in appearance as to lead to the expectation that, should the opportunity offer, they would be capable of any excess. Most of the passengers had obtained the means necessary for their transit by placing in the hands of the agents at Hong Kong some of their relatives, such as brothers and sisters. Agents again receive them at Cooktown, and what with these eagle-clawed agents and other troubles, the lot of these slaves—for they can be called nothing else—is by no means an enviable one." (Quoted by W. Thornton, Queensland Parl. Debates, 1877, Vol. XXII., p. 89; see also speech by J. C. Foote, p. 88, Ibid).

16. There are very frequent references in the Queensland Parliamentary Debates and in the newspapers at this time to the Chinese question in America.

of caste, and dangerous to free institutions."[17] Mr. C. S. Mein, the Postmaster-General in Queensland, in 1877 took care to bring this report under the attention of the Legislature. "I have read the report," he said, "as testimony of the result to a civilised community of the same race as ourselves, possessing similar institutions to our own, from the coming among them of a large Chinese population, and from the unrestricted invasion of the country by an inferior race. That is what this country will arrive at," he contended, "unless we take steps to protect ourselves against this invasion."[18]

The Goldfields Act Amendment Act.

For the probable immediate result of an unrestricted influx of Chinese, that is, disorder arising from the violent expression of racial antipathy, the Queenslanders had no need to look as far as America. They had before their eyes the example of the riots in Victoria and New South Wales. Taught therefore by events in these colonies, Queensland did not wait till trouble came upon it, but in 1876 attempted to restrict the immigration by the Goldfields Act Amendment Act. This Act imposed on "Asiatic and African aliens" a heavier license fee to mine or to carry on business on a Queensland goldfield than was exacted from European miners or traders. The nominal object of the Bill was to compel Chinese aliens to contribute more to the revenue for the rights they enjoyed on the goldfields.[19] The real aim of the Bill, however, was to discourage Chinese immigration. This indirect way of checking the coming of Chinese met with a good deal of opposition,[20] for its provisions discriminated against

17. For summary of Report, see J. W. Forster's "American Diplomacy in the Orient" (1900), p. 285; extracts from Report, quoted in Queensland Council by C. S. Mein, Parl. Debates, 1877, Vol. XXII., p. 73. This report was quoted copiously also in N.S.W. Legislature. A Minority Report contained the views of the Chairman of the Commission, Senator Morton, who died before the report was completed. The conclusions contained in this minority report differ in some fundamental respects from those of the general report.

18. C. S. Mein, Queensland Parl. Debates, 1877, Vol. XXII., p. 73.

19. G. Thorn (Premier), Queensland Parliamentary Debates, 1876, Vol. XX., p. 371. (There was a reconstruction of the Queensland Government at the end of 1876, John Douglas becoming Premier.) On the same plea, an extra import duty of 1d. per lb. had been placed on rice a short time before. (See petition from Chinese for relief from increased duty on rice, and from proposed new taxation, Queensland V. & P., 1876, Vol. I., p. 113.)

20. See, for instance, speech by F. T. Gregory, Queensland Parl. Debates, 1876, Vol. XX., p. 621; by the President of the Legislative Council, Ibid, p. 637, etc.

aliens in the Colony, and sought one object under pretext of another.

Much to the surprise of the Government, the Governor reserved the Bill They knew that the New South Wales Act of 1861, which had been passed after Britain's treaties with China, had been sanctioned by Sir John Young. Queensland, too, had already introduced a discriminative principle in the treatment of resident aliens by her Aliens Act of 1867, and Britain had raised no objection.[21] The Governor, however, uneasily felt that the Bill was one of an "extraordinary nature" and importance, which under his instructions he should reserve for Britain's consideration. Its provisions seemed to him to be opposed to international comity, to be inconsistent with Britain's obligations, implied if not expressed, under the Chinese treaties, and to be harsh and even unjust to the Chinese in the colony, who were British subjects.[22] A consultation[23] with Britain's representatives in some of the other Australian Colonies, seems only to have confirmed him in his opinion that he was bound to reserve such a Bill.

Royal Assent Temporarily Withheld: Questions Arising Therefrom.

The Secretary of State for the Colonies, the Earl of Carnarvon, upheld the Governor's view of the Bill. The Royal Assent was deferred, pending the alteration of the Bill in two important ways. In the first place, the Bill should be modified in such a way as to make it "less directly and exclusively aimed at the subjects of a friendly Power with whom it is for the advantage of the Empire that free intercourse should be maintained."[24] The Earl of Carnarvon concurred in the Governor's opinion that the Bill was inconsistent with the obligations imposed on

21. 31 Vict. C. 28. By this Act, no "Asiatic or African alien" could become naturalised unless he had lived continuously for three years in Queensland, and unless he was married and his wife was in the Colony at the time of his application; the Queensland Parliament knew that the Chinese did not bring their wives to the Colony.

22. W. W. Cairns to Earl of Carnarvon, of 11/10/76. Queensland Parl. Paper, V. & P., 1876, Vol. III., p. 227.

23. The correspondence with the Governors of other Australian Colonies, which the Minister definitely stated had taken place, was not forthcoming in answer to a Parliamentary demand. The Queensland Government was very wrath because the Governor sought such advice. But he consulted his own advisers first.

24. Carnarvon to Governor of Queensland, 27/3/77, Queensland V. & P., 1877, Vol. 1, p. 815.

Britain by her treaties with China. "Although the 5th Article of the Convention (of Pekin) specially refers to Chinese engaging to take service in the Colonies, and giving them liberty to emigrate for that purpose, it is obvious that the article contemplated that all Chinese subjects should have full freedom of entering the British Dominions without special restrictions or impediments."[25] Like the Duke of Newcastle in 1861, he felt that legislation that excluded the subjects of a friendly nation was "highly objectionable in principle."

In the second place, the Bill should be altered in such a way as to make it "less calculated to injure British subjects of Asiatic or African origin." As the Bill stood, its disabilities would fall as heavily on the Chinese in the Colony who were natural born British subjects as on Chinese aliens. They would be unable to give the required certificate proving their nationality.[26]

One other defect was pointed out: the administration of justice on the goldfields, for which the Bill provided, was more hurried and informal in character than was usual in Britain's Dominions.[27]

Although the number of Chinese in Queensland was proportionately much larger than the number in New South Wales when that colony passed a restrictive measure, the British Government of 1876 apparently did not think, as in 1861, that legislation that was "highly objectionable in principle" was permissible under the Australian circumstances. They did not offer to attempt to modify the provision of the 1860 Convention of Pekin, which seemed to them to stand in the way of the restriction of Chinese immigration into Queensland. Nor would they consider such a plan when it was suggested to them.[28] Though at this time they thought the restriction of Chinese was inconsistent with their obligations, they yet were prepared to sanction a Bill for this object, provided it were "less directly and exclusively aimed at the subjects of China." They objected to

25. Ibid.
26. Ibid.
27. Ibid.
28. In reply to a question by Mr. Borlase, a member of the House of Commons, as to whether the Government intended to act on the suggestion of New South Wales—the making of an arrangement with China for the restriction of emigration to Australia—Sir Charles W. Dilke, Under-Secretary of State for Foreign Affairs, stated that the Government had no such intention. (Hansard, 1881, Vol. 262, pp. 1940-41.)

specific legislation, but as yet they were only fumbling their way towards the substitution of a measure of a universal character, which they were to propose in 1888.

Chinese immigration gave Queensland a difficult and delicate problem to solve, they admitted. But their only contribution at this time towards a method for its solution was the vague suggestion that they should co-operate with Queensland in treating "this very difficult subject" in a manner "more consistent with fairness and good policy."[29] It is little wonder that the Queensland Government felt that by a few "verbal and nominal" alterations of their Bill they could secure Britain's assent.[30]

The following year, however, Sir Michael Hicks-Beach who succeeded Lord Carnarvon in the Colonial Office, set out in more consistent fashion the British Government's attitude to the question of Chinese immigration, and pointed out the best method, in his opinion, of coping with it. "I need not of course assure you," he wrote, "that I should join in deprecating the introduction of Chinese into Queensland in such numbers as to give them injurious preponderance; but it is impossible, on the other hand, not to presume that, under proper restriction, their labour may be of the highest value to those tropical districts in which Europeans cannot perform field work. I cannot but think, therefore, that the true solution of the very serious difficulty which your Government has had to contend with is to be found in the recognition of Chinese immigration under careful regulations as to number and occupations of immigrants, rather than in its discouragement by penal legislation."[31] The idea that restriction was inconsistent with treaty obligations seems to have been abandoned.

The disallowance of Queensland's Act was received in that colony with a burst of indignation. Considerate and courteous as was the tone of the Despatch from Downing Street, and showing as it did every disposition to fall in with the considered views of Queensland, the colony chafed sorely under the

29. Earl of Carnarvon to Governor of Queensland, 27/3/1877, Queensland V. & P., Vol. I., p. 815.

30. C. S. Mein, speech in Legislative Council, Parliamentary Debates, 1877, Vol. XXII., p. 64.

31. Sir M. Hicks-Beach to Sir A. Kennedy, 16/5/78, Queensland V. & P., 1878, Vol. II., p. 37.

Imperial rein.[32] It regarded the disallowance of the Bill as an infringement of its powers of self-government. The Queensland Government claimed that Britain should recognise and uphold the power of the Colonial Legislature to pass on all subjects whatever, laws which it might think necessary for the welfare of the Colony. The only limit to its authority should be that imposed by the Royal instructions to the Governor.[33] The British Government, however, in tactful language reminded the Queenslanders that such a claim could only be conceded subject to the recognition of the paramount authority of the Imperial Parliament, and to the power of disallowance expressly reserved to the Queen under the Queensland Constitution.[34] Queensland's claim for plenary legislative power was soothingly admitted in so far as it related to purely domestic concerns.[35]

It may be noticed here, although it is out of its place chronologically, that in 1884 the Secretary of State for the Colonies, the Earl of Derby, stated that the regulation of Chinese immigration into Queensland fell within the control of the local Legislature, because it concerned the internal administration of the Colony.[36]

Not only did the disallowance of the Bill bring the function and powers of the Colonial Legislature under consideration, but its reservation by the Governor brought his constitutional. position also under review. The Queensland Liberal Government of the day thought that the freedom of the Colonial Parliament demanded that the Governor should give effect to the wishes of the Legislature in all matters, subject only to his instructions. But they appeared to think that he was bound to follow his advisers' interpretation of these instructions. They thought it necessary to explain to the other Australian Governments the reason why they did not resign when the Governor insisted on using his own

32. This is shown most clearly, perhaps, in the speech of the Attorney-General (Mr. S. W. Griffiths) in the Legislative Assembly, Parliamentary Debates, 1877, Vol. XXIII., pp. 237-240.

33. John Douglas, Premier, to W. W. Cairns, 9/10/76, 2nd V. & P., 1876, Vol. IV., p. 227.

34. Secretary of State to Governor, 27/3/77, Queensland V. & P., 1877, Vol. I., p. 815.

35. Ibid. For a full account of the constitutional aspect of the Chinese question in Queensland in 1876, see A. Todd's "Parliamentary Government in the Colonies" (1894), pp. 187-190.

36. Earl of Derby to Governor of Queenland, 15/5/84, Queensland V. & P., 1884, Vol. 1, p. 431.

discretion and reserving the Bill.[37] But, as was pointed out at the time,[38] the question on which the Governor and the Ministry differed included not only a matter of local policy over which alone the Ministry would have been justified in resigning if the Governor had refused to carry out their wishes, but it involved also a question of the scope of the Governor's powers. Since he was responsible to the British authorities alone, he could scarcely be bound only by a Colonial interpretation of his instructions.

Queensland Seeks Support of Other Australian Colonies.

On learning that Lord Carnarvon upheld the Governor's view of the Bill, the Premier immediately circularised the other Australian Governments, with the object of securing their co-operation to preserve the rights of self-government as the Queensland Ministry understood them.[39] He complained that in consequence of the disallowance of the Bill, "This Government have now to face not only the more serious question which arises as to the exercise of their rights as a self-governing community. . . . . We fear that both our rights (of self-government) and our civilisation may be compromised, and that our social and political system may be imperilled, if on any plea whatever a Chinese immigration is forced upon us against our wishes and against our interests."[40] He pointed out that the Chinese immigration into Queensland and its effects would not be confined to that colony alone. Since the whole question had reference to the "community of Australian interests," he asked for a serious consideration of it with a view to concerted action to sustain their rights of self-government.

On the same day as the Queensland Government sent this circular to the other Australian Colonies, they requested their Agent-General in London to explain frankly and fully to Lord

37. "Important legislation, then, in a somewhat critical position, prevented Ministers from surrendering to His Excellency the offices they held and still hold," wrote the Premier. (Circular to Australian Colonies, 20/4/77, South Australian V. & P., 1877, Vol. II., p. 1205.) Because Mr. Cairns did not take the Ministry's advice, the Premier (J. Douglas) was of opinion that his turn of mind was "not that of a constitutional Governor." (Parliamentary Debates, 1877, Vol. XXII., p. 245.)

38. "Sydney Morning Herald," article, 6/6/77.

39. Circular to Australian Colonies, 20/4/77, enclosed in Memorandum to Agent-General (South Australian Parliamentary Paper No. 71, V. & P., 1877, Vol. II., p. 1205).

40. Ibid.

Carnarvon their attitude on the subject of Chinese immigration.[41] Just as frankly and fully he was to explain their feelings on learning of the views of the Secretary of State, and their claim to deal with the matter as they thought best. To strengthen their position, they also placed their circular before Lord Carnarvon, so that he might be aware of the support which they confidently expected to receive from the other Australian Governments.

Their View of the Matter.

This expected support was forthcoming, though scarcely in the aggressive form that the Queensland Government apparently hoped for. The kind of support offered by the chief colonies[42] is curiously suggestive of their early development. Before expressing any opinion, South Australia asked to be put in possession of all the circumstances, the scope of the Bill, the special disabilities placed on Asiatic and African aliens, any legal opinions that had been obtained, and any printed papers on the subject.[43] Unfortunately, there seems to be no record of this Government's considered opinion. A Parliamentary (South Australian) resolution of July merely expressed sympathy with Queensland's efforts to regulate immigration from China. Very different from South Australia's cautious and judicial attitude was that of Victoria. Queensland's circular had been received by Sir James McCulloch's Ministry, but owing no doubt to the political crisis which then existed in Victoria, was not answered. But it received prompt attention when it came under the notice of the new Premier, Mr. Graham Berry. He at once assured Queensland of the Victorian Government's sympathy with and support of the position taken up with regard to the rights under self-government.[44] Indeed, in like circumstances, said Mr. Berry, the Victorian Government would have sent exactly the same answer to Lord Carnarvon as the Agent-General had been instructed to convey.[45] "For," he concluded complacently,

41. South Australian Parl.. Paper, No. 71, in V. & P., 1877, Vol. II., p. 1205, Memorandum to Agent-General, 20/4/77.

42. Tasmania merely acknowledged the circular; New Zealand expressed sympathy, but excused herself from commenting on the constitutional question involved.

43. South Australian P.P., No. 71 of 1877.

44. Mr. Graham Berry to Mr. J. Douglas, 18/6/77, Queensland V. & P., 1877, Vol. III., p. 235.

45. Ibid.

"at all times and on every suitable occasion, Victoria has been foremost in asserting and maintaining the rights and responsibilities of self-government."

New South Wales was the last to reply to the circular. Indeed, so slow was this colony, that the Premier of Queensland wrote privately to Sir H. Parkes reminding him that as yet he had had no answer, and expressing a hope that the New South Wales Government would support him.[46] The mother Colony tempered her sympathy with a very impartial consideration of the constitutional question involved, observations which the impetuous and restive daughter Colony would no doubt willingly have dispensed with. "I desire to convey to you the expression of the earnest sympathy of the Government of New South Wales," wrote Sir H. Parkes. "While fully appreciating the grave nature of the evils to be apprehended from this cause, and being prepared to join with the other Australian Governments in any well-devised and temperate measure to protect the public interests and preserve the British character of these Colonies, this Government submits that the Despatch from the Secretary of State does not appear to be inspired by any spirit opposed to the constitutional obligations of the Empire, and it is no more than the duty of the Imperial authorities to guard against local acts of legislation conflicting with the honour of the Crown. In the present instance there does not appear to be any ground for anticipating that Her Majesty will be finally advised to withhold her assent from any measure for the protection of the people of Queensland which respects Imperial obligations and does not exceed the necessities of the case." [47]

But the New South Wales Parliament was not satisfied merely to express its sympathy with Queensland. It concluded that it was its duty to point out to the mother country what, in view of the British Government's chief objection to Queensland's Bill, seemed to it the obvious method of dealing with the question of Chinese immigration to Australia. This obvious method was such a modification of the Chinese treaties as would

46. Mr. Thomson, Queensland Parliamentary Debates, 1877, Vol. XXIII., p. 242.

47. Parkes to Premier of Queensland, 26/6/77, Queensland V. & P., 1877, Vol. III., p. 235.

permit restrictions to be placed on the immigration of that undesired people.[48]

It has been seen that Britain took no notice of the suggestion.

Queensland's Bill of 1877.

Nor did such a way of settling the difficulty commend itself to Queensland. It seemed to her at the time too much like giving up her right of managing her own affairs.[49] Accordingly, in 1877, an amended Bill[50] was passed, though whether it fulfilled the conditions laid down by Parkes is doubtful. It is true that in three places the less objectionable "any person" was substituted for the specific "Asiatic and African aliens," and the safeguards for the administration of impartial justice on the goldfields were increased. But there were retained the same disabilities of £3 for a mining license and £10 for a business license, instead of the 10/- and £4 respectively imposed on white persons carrying on the same work. Moreover, the purpose of such disabilities was specifically stated. Britain, however, was satisfied that the objections to the details of the original Bill had been sufficiently met.[51] At the same time, she hoped that the causes which had made Queensland believe such legislation was necessary would disappear, so that there could be the same change of policy as had taken place in the other Colonies.[52] Her hope was not realised. Indeed, by a further amending Act the following year, the Chinese were excluded for three years from

48. Resolution of New South Wales Legislative Assembly, as reported in "Sydney Morning Herald," 5/7/77. Mr. Fitzpatrick, one of the ablest of the New South Wales statesmen of that time, thought that the resolution only indicated the direction in which such a remedy lay—the actual remedy was the proclamation by Britain that the Chinese should go only to certain parts of the Empire. "If China had the right to declare at which of her ports alone Europeans might land, Great Britain had the same right, if she saw fit, to declare at what ports in Queensland or Australia Chinese might land. Great Britain might declare by proclamation, subject to these treaty rights, that Chinese should not be at liberty to come to Queensland or New South Wales or any of the gold-producing colonies, and then they would be protected at once, and the treaty would not be broken." (Speech on same date as resolution in Legislative Assembly.)

49. "It is derogatory to ask Britain to do for us what we have a right to do for ourselves," said S. W. Griffiths, Attorney-General, Parl. Debates, Vol. XXIII., 1877, p. 350.

50. 41 Vict. C. 12.

51. Sir Michael Hicks-Beach to Sir A. Kennedy, 16/5/78, Queensland V. & P., 1878, Vol. II., p. 38.

52. Ibid.

any new goldfield, unless an African or Asiatic alien had discovered it.[53]

Their Effect.

Not satisfied with the safeguard—not to mention the assertion of its "rights"—afforded by the amended Act of 1877, the Queensland Legislature at the same time passed a Chinese Immigration Restriction Act.[54] This imposed regulations like those New South Wales had adopted in 1861. The Chinese were encouraged to return home by the refund of the entrance tax if they left within three years, and during their stay had not broken the law or been an expense to the State.

The Queensland Acts proved effective. By 1881 the number of Chinese in the Colony had dwindled down to 11,200.[55] From the time of the passing of the 1877 Acts to 1881 there were only 500 new Chinese arrivals.[56]

Attempted Introduction of Chinese Labour on Australian Vessels in 1878.

Two years after Queensland's trouble with the Chinese question, the whole of the self-governing Australian Colonies were deeply stirred over the same matter. An industrial evil that in 1876 had only been put forward as a probable future result of the coming of Chinese to Australia, in the following year became to some extent an actuality. The Australasian Steam Navigation Co.[57] began to introduce Chinese seamen as crews of some of their vessels. Their action was a direct challenge to the working classes to resist the introduction of cheap Asiatic labour.

The challenge thus issued was the clearer and was heard the farther because this Company was the oldest, the richest and the most powerful shipping company belonging at that time to any Australian Colony. Its operations were intercolonial. Although a New South Wales Company, it enjoyed a practical

53. 42 Vict. No. 2.

54. 41 Vict. C. 8.

55. Queensland V. & P., 1881, Vol. II., p. 1132.

56. Queensland V. & P., 1881, Vol. II., p. 1132.

57. For an account of this Company, see "Steam in the Southern Pacific," by Wm. Lawson. It came into existence in 1840 as the Hunter River Steamship Company, nine years after the introduction of steam navigation along the Australian coast. In 1851 the old association was dissolved, and the new company was formed and incorporated under the name of the Australasian Steam Navigation Company. This line of steamers dominated the traffic on the east coast of Australia till the late seventies.

monopoly on the Queensland coast; in 1868 it bought out the Queensland Steamship Navigation Company that had attempted to compete with it. Both the Queensland and the New South Wales Governments subsidised this company for the carriage of mails. In 1869 it opened trade with Fiji, via Auckland, and the following year with New Caledonia.

About the middle of the year 1878 this Company substituted Chinese for British seamen on three of their vessels—the "Black Swan" engaged on the coast of Fiji, the "Wentworth" plying between Sydney and Fiji, and the "Gunga" trading to New Caledonia.[58] It will be noticed that these vessels traded to tropical regions. The Company found that opposition steamers coasting between Cooktown and Melbourne were beginning to employ Chinese firemen and deckhands.[59] The captains liked this labour because of the greater sobriety, willingness and civility of the Chinese.[60] Its cheapness, no doubt, held the chief attraction for the Companies. Instead of the £8 per month paid to European firemen, £2/15/- was paid to the Chinese, though a greater number of the latter were found to be necessary (a proportion of four Chinese to three Europeans usually).

Strike of Seamen Employed by Australasian Steam Navigation Co.

Then the A.S.N. Co. resolved to use this labour on vessels engaged in trade along the north-eastern coast of Queensland. For this purpose one hundred Chinese were brought to Sydney in the "Ocean" in November, 1878, to be transhipped to the five vessels that plied along that part of the Australian coast.[61] Their arrival was a match applied to highly inflammable material. It was the signal for a strike of the European seamen in the employ of the Company, whose discontent and fear had been gradually gathering force for some months past. Within a few weeks, seventeen of the Company's ships lay idle in the

58. "Town and Country Journal," Sydney (a weekly journal), 23/11/78. See also speech by Mr. T. Dixon at public meeting, held under auspices of Trades and Labour Council, "Evening News" (Sydney newspaper), 24/7/78. Most of the facts about the strike, as given above, have been ascertained from the "Town and Country Journal," which narrates them in an impartial way.

59. The Eastern and Australian Mail Company first introduced Chinese seamen along the Australian coast.

60. Some were of opinion that it was more effective. For example, see Captain Saunderson's letter to his agents, in "Town and Country Journal," 23/11/78.

61. The "Boomerang," "James Paterson," "Tinonee," "Yaralla," "Leichhardt," were the names of the vessels.

various ports. A few vessels were kept going by the Chinese who had been brought, and by the very small amount of other labour that was found willing to take the seamen's places.

The strikers appealed for the sympathy and co-operation of all Australian seamen. They declared that the action of the Company was only the thin edge of the wedge. If this strong Company were successful in their plan of using Chinese labour, others would in self-defence necessarily have to follow their example. In the opinion of the strikers and their supporters, it was unfair for this Company "which had made its money out of Colonial enterprise," to substitute seamen from an alien race for Australian sailors.[62] The action of the directors was no less unpatriotic than it was unfair, they declared, for it showed that they not only thought more of the size of the dividends than of the fair claims of their countrymen, but also that they cared nothing about the supplanting of a class that had always upheld "the power and prestige and glory of the British nation."[63] The strike was illegal, because the men had broken their articles of agreement?[64] But if the men had broken a legal contract, the directors of the Company had broken a moral one—the obligation involved in a common citizenship—for their action tended to deprive some of their countrymen of the means of livelihood for which they were dependent upon them.[65]

Instinctively workmen of all classes supported the strikers. They believed that the principle for which the seamen contended was only fair. They wanted them to be successful, lest they might in the future have to face the same dangerous competition. "The law of self-preservation compels us to enter our most emphatic protest against any race, the introduction of whom seriously or injuriously interferes with the relations of capital and labour and the best interests of the Colony," nearly 15,000 of the people of New South Wales had declared even before the strike began.[66] Sir Henry Parkes and other political men of

62. Mr. T. Dixon, at public meeting (20th November), Sydney, convened by Seamen's Union ("Town and Country Journal," 28/11/77).

63. Mr. Ogilvie's speech, public meeting ("Town and Country Journal," 23/11/78). See also "Queenslander," newspaper, Brisbane, 28/12/78.

64. Resolution of Chamber of Commerce, 28th November ("Town and Country Journal," 30/11/78).

65. Leading article, "Evening News" (Sydney), 30/11/78.

66. Petition, after meeting in Sydney held under auspices of Trade and Labour Council, N.S.W., V. & P., 1878, Vol. VII., p. 477.

note pointed out the relation which the industrial argument of the workers bore to the general well-being of the community.[67]

It was the least educated section of the people that at this time felt most keenly on the Chinese question. Consequently there was perhaps a larger amount of ignorant misrepresentation and abuse of the Chinese than at any other time during this period. Objections to the Chinese as industrial competitors loomed so large before the eyes of the workers as completely to hide all their virtues.[68] They saw the Chinese as a race only as the individual Chinaman was, or seemed to them to be, in Australia. To understand something of the reason for their low estimate of the Chinese, apart from race prejudice and the feeling of bitterness engendered by threatened competition, it should be remembered that the colonist came into contact with emigrants from the poorest and in some cases least desirable classes of the Chinese seaport towns. There were indeed in the larger towns of the colonies some prosperous Chinese merchants, who had become highly respected citizens. But the majority of Chinese in Australia lived under conditions that excited contempt. Their poverty on arrival, and the lack of all incentive given by family life to form a comfortable home, caused them to put up with conditions that to the average colonist seemed unspeakably wretched and mean. The charge that the Chinese were uncleanly in their mode of life and immoral in their habits, was to a large extent true of those congregated in the colonial towns.[69] But those blemishes were mainly due in the one case to the conditions of society from which the emigrants were drawn, and the lax administration of municipal regulations, and in the other to the almost total absence of Chinese women. The Chinese appear to have been no worse than the same grades of society in any country, and under the

67. See Parkes' speech in Legislative Assembly, N.S.W., as reported in "Sydney Morning Herald," 6/3/79.

68. In their numerously signed petition to Parliament (July, 1879), the Chinese were spoken of as "a race who are in a state of semi-slavery." To some the presence of the Chinese seemed "a living ulcer." (Speech at meeting held under auspices of Political Reform Union, 23rd July, "Evening News," 24/7/78.) One speaker at the same meeting expressed his opinion thus: "Of all the plagues he did not think there were any as bad as the Chinese, and he felt sure that had Moses only threatened Pharaoh with a dose of Chinese, he would have allowed him to depart forthwith, bag and baggage, without following him with horse and artillery"!

69. Report of Superintendent of Police, New South Wales, V. & P., 1878, Vol. VII., p. 469.

circumstances in which they were placed, were probably better than some would have been.[70]

General Support for Strikers.

But though the majority of the colonists at this time undoubtedly regarded the Chinese as "an inferior people," only the worthless and cowardly among them—the "larrikin" element—descended to abuse and personal violence.[71] Among the genuine workers there was none of this. The only persons whom the strikers sought to interfere with were a few of their own countrymen who attempted to work for the Company.

The vital character of the question at issue caused the workers and their supporters to express their sympathy with the strikers in the most practical way. Colliers refused to coal the Company's ships. The Bulli miners decided to supply no coal for vessels with Chinese on board. Money for the support of the strikers poured in freely from many directions and sources.[72] Part of it was subscribed at the large public meetings held at the chief centres of population not only in the eastern colonies of Australia, but also in South Australia and New Zealand. The Government of Queensland received favourably a deputation that urged the withdrawal of their subsidy from an Australian company that employed cheap alien labour. A faint demand for this course was heard also in New South Wales.

Case of Directors.

The directors of the Company [73] for their part declared that the fears of the strikers were unwarranted. They asserted that

70. Ibid. See also admission by Mr. Parnell, Premier of New South Wales, to deputation of Chinese merchants, quoted in petition from Chinese to Legislative Assembly (V. & P., 1878, Vol. VII., p. 487); statements by such men as H. Parkes, Sir J. Robertson, etc.; also criminal statistics of the period.

71. After a huge open-air public meeting in Sydney, on 4th December, hundreds of larrikins (none of them strikers) carrying blazing torches and bent on mischief, started in the direction of the Chinese quarters in Sydney. The activity of the police prevented any damage to Chinese property, but several unoffending Celestials who were quietly returning home received rough treatment. ("Town and Country Journal," 7/12/78.) The same element did considerable damage in Brisbane.

72. One finds money coming from such different sources as "The Maitland Sports Committee," £4; the employees of the "Sydney Morning Herald," £42 15/9 ("Town and Country Journal," 4/1/79). The manager of the Queen's Theatre gave half of two evenings' takings (Ibid, 23/11/78), and so on. By their support of the strikers, some seized the opportunity to aim a direct blow at the monopolising A.S.N. Co.

73. The managing director of the Company was Mr. (afterwards Sir) George Dibbs, who was later twice Premier in New South Wales, and who in 1888 took an active part in the movement against any further Chinese immigration.

the Company did not intend, and never had intended, to employ Chinese on routes other than those of Fiji, New Caledonia and North Queensland. They offered to submit the matter to arbitration, on condition of a return to the status quo before the strike.[74] The men, however, could see no advantage in referring the question to arbitration. They felt that they must scotch the evil of the introduction of cheap Chinese labour while it was yet in embryo, lest it develop into a hydra-headed monster impossible to slay.

So the strike dragged on through December. As the strikers showed a willingness to compromise, the Company stiffened.[75] A settlement was finally reached on 2nd January, 1879. The Company agreed to retain in their service not more than 180 Chinese, this number to be reduced to 130 within a period of three months.[76] The last of the Chinese crews was discharged on 1st September, 1882.[77]

Effect of Strike.

Thus the seamen's strike ended in a compromise. But the strength of the feeling aroused in all the self-governing Colonies by this Australian Company's attempt to employ cheap Chinese labour, ensured the indirect success of the strikers. Employers, whether individuals or companies, were not likely in the future to run counter to the colonists' clearly expressed verdict on the general question at issue. This contest gave a powerful impetus to unionism in Australia. The workers began to realise something of the power they could possess by intercolonial co-operation, as well as by inter-trade combination. The first Intercolonial Trades Union Congress was held in 1879. Among others, a resolution was passed unanimously condemning any importation of

74. The Seamen's Union assured the directors that if they would fall in with the wishes of the strikers they would undertake to protect them from competition with vessels manned with Chinese—no colonial steamer should leave the port of Sydney with Mongolians on board, and the colliers would refuse to coal all such vessels. The spirit of active co-operation shown in the adjoining colonies made the Seamen's Union sure that the same steps would willingly be taken in the ports of the other colonies. So anxious were the strikers to carry their point that they offered to reimburse the Company, by instalments from their wages, the cost of compensating the Chinese for the annulling of their contracts with the Company, and the expense of taking them back to China.

75. See attempt at mediation by delegates appointed by Eight Hours Conference, 7/12/78. A settlement was finally reached through the efforts of Mr. W. R. Lockhead.

76. "Town and Country Journal," 11/1/79.

77. "Steam in the Southern Pacific," p. 34, S. W. Lawson.

Chinese workers, and calling upon the New South Wales Legislature to restrict the immigration of Chinese by the imposition of a heavy poll tax.[78]

The effect of the strike on the A.S.N. Co. was far-reaching and disastrous.[79] Just before the strike was over, the Queensland Government notified the Company of their withdrawal from the mail subsidy contract. They announced their determination to form such contracts in future only with companies that employed no Asiatics or Polynesians on their vessels.

The action of the Queensland Government was the first expression of that spirit which, when it came to animate Australia, caused the Commonwealth in 1901 [80] to withdraw its subsidy from lines carrying Australian mails unless they employed white labour only. And it was to cause the Commonwealth to protect its seamen employed in the coastal trade from competition with cheap Asiatic and other labour.[81]

The strike was not without political effect. The strong opposition in Queensland to any introduction of Chinese labour strengthened the hands of the party in that colony which was now about to make some small headway in its work of rooting out the seemingly indispensable Kanaka system.

Partly as a result of the pressure brought to bear upon it during the strike,[82] the Government of New South Wales attempted to check Chinese immigration into the Colony. An anti-Chinese campaign had been organised as early as July by the Political Reform League,[83] and the strong feeling aroused by the strike gave it the best possible opportunity for effective work. The Government responded the more readily to public opinion

78. Report of First Intercolonial Trades Union Congress, 1879, pamphlet.

79. No dividend was paid to shareholders in 1879. In 1880 the steamers used in the Hunter River trade were sold to the Newcastle Shipping Co., and in 1884 the whole company was bought out by the "Queensland Steamship Co." The combination became known as the "Australian United Steam Navigation Co.," a name that it still bears.

80. Commonwealth Post and Telegraph Act 1901.

81. Navigation Acts, No. 4 of 1913 and No. 32 of 1919.

82. See numerous petitions from Sydney and other centres in New South Wales, V. & P., 1878-9.

83. Anti-Chinese immigration was one of the cardinal planks of the Political Reform Union—sometimes called Political Reform League, sometimes . . . . Association.—("Evening News," 23/11/78). This Union seems to have been one of the earlier attempts of the working classes to bring their weight to bear on the side of political reform, attempts which in due time led to the evolution of the political Labour Party. (Reference is made to this League in "The Origin and Growth of the Labour Movement in New South Wales" (1915), by George Black.) Another organisation of a very similar character was the "Working Men's Defence Association" (see "Sydney Morning Herald," June 26, 1877).

on this matter because an election at the beginning of 1879 placed the reins of authority in the hands of Sir H. Parkes, who had been a consistent opponent of Chinese immigration during the first period. Accordingly, a Bill embodying the former restrictions in New South Wales against the entry of this people was introduced into the New South Wales Parliament early in the year 1879. The influence of the question that had been raised by the strikers was shown by a clause which subjected to the provisions of the Bill Chinese who might be employed as seamen on vessels belonging to the colony, but which exempted Chinese seamen on other vessels. The agitation caused by the strike, however, quickly died away, and the general subsidence of feeling was shown in the New South Wales Parliament by the small interest taken in the Bill. It is not surprising, therefore, to find that the Legislative Council threw it out by a large majority.

Apprehensions of Increased Immigration Through Action of Pacific States of America.

Notwithstanding the widespread interest in the Chinese question, and the feeling that had been aroused by the situation in Queensland in 1877, and the seamen's strike of 1878, Chinese immigration was not again regulated in any Australian Colony but Queensland till 1881. In that year fairly uniform restrictive legislation was adopted by the self-governing colonies, with the exception of Tasmania.

What additional factors influenced them to take this course?

In the first place, the colonies began to fear that there would be an increasing immigration into Australia, because of the action taken by the Pacific States of America to check the coming of the Chinese. It has already been noticed that over there, as in Australia, the antipathy of the working classes had been excited by the Eastern competitors who worked more cheaply than the white labourers could or would work. Other classes also soon began to feel the effects of their presence in the same way.[84] The dislike of the Chinese found expression in individual acts of hostility, abuse, and injury to property. The Legislature of the Californian State tried to restrict this immigration, but its powers were too limited. California then appealed

84. "John Chinaman in Australia and the West" (1876), pamphlet by S. H. Langford, LL.D.

to Congress to abrogate the Burlingame Treaty of 1868. In this Treaty, the Chinese and American Governments had "cordially recognised the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free immigration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, trade and as permanent residents."[85] The American working classes, however, had soon come to the conclusion that "the inherent and unalienable right of man to change his home and allegiance" was to be recognised only when the newcomers did not adversely affect the interests, economic and social, of the people among whom they came to live. In accordance with the wishes of the Pacific States, the Federal Legislature had in the first instance passed a Bill which, regardless of Treaty obligations, practically prohibited Chinese immigration. But American morality was shocked by this open violation of international pledges. In 1880 negotiations with China were opened on the lines suggested some time before by Chinese themselves.[86] This country met America's request in a friendly spirit, and agreed to allow Americans to "regulate, limit or suspend" the immigration of labourers without absolutely abrogating the treaty by which Chinese immigration into the United States was recognised.[87] Only such Chinese as might wish to go to America for "teaching, study, mercantile transactions, travel or curiosity" were in future to be received.[88]

The same movement for the restriction of Chinese immigration was taking place in British Columbia.

Actual Increased Chinese Immigration.

Australians knew that by 1880 over 100,000 Chinese emigrants had gone to the Pacific States of America, and that none had gone till after the middle of the century. Would not the

85. Article V. of Burlingame Treaty, quoted p. 283 of "American Diplomacy in the Orient," by J. W. Foster.

86. The Chinese companies chiefly responsible for Chinese immigration to California, suggested in a memorial to President Grant, "the modification of the existing treaty, if the best interests are conserved thereby," and if the presence of Chinese were offensive to the American people, the prohibition or limitation of further Chinese immigration, even the gradual retirement of their countrymen, if desired.—Quoted by S. A. Langford in pamphlet, "John Chinaman in Australia and the West" (1876).

87. Official communication from United States Commissioners to China, quoted by Mr. De Salis, N.S.W. Parliamentary Debates, Session 1881, p. 31.

88. Ibid.

stream turned aside from America by the restrictive measures adopted be poured into Australia?[89] With improved steamship communication, with an expanding trade through Chinese doors which foreign strength held open, and with a consequent growing knowledge of the possibilities of other adjacent countries, the stream of emigration from China had been steadily increasing, and was likely to continue doing so. Especially had this been the case since the opening of the new Treaty ports in 1878. Not only did the colonists notice the numbers that had crossed the Pacific, but they viewed with uneasiness the increasing numbers of Chinese that were going to the British possessions in the East, such as Penang, Singapore and Malacca. Ever to their minds recurred the fact that this country from which already so many were spilling over, was a human storehouse of between 300 and 400 millions of people.

That the apprehension of an increased Chinese immigration was not unfounded was soon evident. By the census of 1871, the number of Chinese residents within the Colony of New South Wales was only 7200, or a proportion of 1 to 70. By 1880 they had increased to a ratio of 1 to 55 of the population. And by 1881 they were 1 to 50, or about 1 in 10 of the male adults.[90] This was roughly the proportion they bore to the population throughout Australia.[91] At this time, that is, the Chinese were about 50,000 of the 2½ millions of people in Australia. The anticipation of restrictions and their practical exclusion from the United States led to the largest influx of Chinese since the late fifties.[92] When it is remembered that the European immigration at this time was very small,[93] the feeling with which the colonists watched the numbers of Chinese growing can to some extent be understood. The increasing number of Chinese was believed by some of the working class to be due to an effort made

89. Parkes' Circular to other Australian Colonies of New Zealand (New South Wales V. & P., 1879-80, Vol. V., p. 863).

90. Sir H. Parkes, N.S.W. Parliamentary Debates, Session 1881, p. 95.

91. Ibid. In 1881 there were in Queensland 14,524, Victoria 17,000, New South Wales 15,000 (quoted from official sources by Speaker in Victoria, Vict. Parl. Debates, 1881, Vol. 48, p. 1248), Northern Territory 3715 (S.A. Parl. Debates, 1880, p. 1652), and 500 in southern part of South Australia.

92. For instance, during the two months, June and July, of 1881, there came to New South Wales 2500 Chinese (Parkes, Parl. Debates, 1881, p. 95); into the almost empty Northern Territory there came 1684 within three months (Mr. Morgan, Colonial Secretary, S.A. Parl. Debates, 1880, p. 1652).

93. In 1881 the European immigration to New South Wales, for instance, was under 4000.

by "the capitalists" to supply themselves with coolie labour before the restriction looming ahead was imposed.[94]

Introduction of Dreaded Disease by this Immigration.

Thirdly, there was a growing fear of the introduction of disease through Asiatic immigrants. By 1876 isolated cases of small-pox had been brought to the three colonies on the east of Australia.[95] In 1881 there was rather a bad outbreak of this dreaded disease in Sydney. By the end of August there were 40 cases, and within a short time thereafter 17 deaths were reported.[96] It was not easily stamped out—almost six months after it began, and when the panic it aroused had largely abated, there was chronicled "an alarming spread of small-pox during the last few days.[97] The epidemic caused a much-needed inspection of the Chinese quarters, and a cleaning up of the city generally by the municipal authorities, whose hygienic arrangements and regulations seem to have been rather primitive up to this time.[98]

There were sufficient grounds for believing that the disease had again been brought by recent Chinese arrivals.[99] The further introduction of small-pox by the Chinese seemed the more likely since none of them was vaccinated, and in no colony except Victoria was vaccination compulsory at this time.

A still more dreaded disease had been brought to Australia by Easterners. In 1880 eleven lepers were admitted to Dayman Island (Queensland), all of them Chinese.[100] A few Chinese suffering from the same loathsome disease were also to be found

94. "Newcastle Morning Herald," 18/4/81.

95. In New South Wales the disease was brought twice by the "Brisbane," with emigrants from China. In 1868 it had been introduced into Victoria by the mate of the "Avondale," from Foo-Chow-Foo, and there had been 43 cases thereafter ("Town and Country Journal," 25/6/81). The introduction of this disease into Queensland was one of the arguments urged by the Queensland Government against the continuance of unrestricted Chinese immigration into that colony (Queensland V. & P., Vol. 2, 1877, p. 1205).

96. For account of early part of outbreak, see "Town and Country Journal," June-December, 1881.

97. Ibid, December 10th.

98. One reads of the appointment of a "Board of Health"—apparently an innovation—and of the erection of a hospital some little distance from the city (Little Bay), for infectious cases of a serious nature.

99. Circular from Government of New South Wales to other Colonial Governments ("Town and Country Journal," 25/6/81).

100. "Ipswich Standard," newspaper (Queensland), 11/6/87. Dr. Hardie, a member of the Central Board of Health, Queensland.

in Sydney,[101] and in the Colony of Victoria.[102] Just at the time that the Australian Colonies were roused to take precautions against the possible spread of small-pox from Sydney, it was reported that there was a growing amount of leprosy in San Francisco, said to have been originally brought there by the Chinese.[103]

The Government of New South Wales did not the more cordially welcome Chinese emigrants when they made the amazing discovery that a few Chinese criminals had from 1866 onward for ten years been deported to Australia, a practice which the English authorities at Hong Kong had at once stopped when they came to know of it.[104]

Conference.

The now fairly general desire for the restriction of Chinese immigration found united expression. The Australian colonists began to realise that they could effectually check this immigration only by concerted action on uniform lines. The Colonial Governments therefore agreed to Sir H. Parkes' proposal for an Intercolonial Conference (a) to discuss the question generally, (b) to consider a draft Bill with a view to the passing of uniform legislation. Delegates from the various Australian Colonies accordingly met at Melbourne at the time of an Exhibition there—November and December, 1880. The Conference completed its sittings at Sydney in January, 1881. The delegates, except the representative from the Crown Colony of Western Australia who expressed no opinion, resolved that the consequences which must follow a large Chinese immigration called for the concerted action of all the colonies, both in regard to representations to the Imperial Government and to local legislation.

Introduction of Chinese Coolies by Western Australia.

Lastly, while the Conference was being held, the delegates

101. "There has always been a great fear of leprous Chinese in that locality (Waterloo, Sydney), some few cases having occurred there only a few months ago" ("Town and Country Journal," 18/6/81). A Chinese leper had been isolated at Little Bay before it had been decided to build a hospital there (Ibid, 16th July).

102. Victorian Parliamentary Debates, 1884, Vol. 47, p. 760.

103. L. L. Smith, Victorian Parliamentary Debates, 1880-81, Vol. 36, p. 2676.

104. New South Wales V. & P., 1879-80, Vol. 5, p. 863.

learned of the intention of the West Australian authorities to introduce a limited number of indentured Chinese. This Crown Colony had just reached the stage attained by New South Wales before the middle of the century. Transportation had ceased chiefly because the other Australian Colonies objected to it. As in New South Wales, the transition period from a penal to a free colony was inevitably marked by a scarcity of labour. In spite of the inducements the Government held out, the colony attracted very few free working men. Those that did come generally left for other colonies. The Government, therefore, discontinued bringing emigrants at the public expense. Where, then, was the much-needed labour to come from? In desperation, the Government in 1878 tried the experiment of bringing 50 Chinese coolies from Singapore.[105] In spite of growing opposition to such a course, they decided some little time afterwards to repeat the experiment. It was a notice to this effect that excited the apprehension and indignation of the other colonies.

The delegates at the Intercolonial Conference at once sent a memorandum to the Secretary of State for the Colonies, which set forth the objections entertained by the rest of Australia to the Crown Colony's plan of introducing indentured Chinese workmen.[106] They begged for the intercession of Britain to secure a reversal of this "policy." Such a policy was, they averred, prejudicial to the best interests of the colonists The delegates representing 2,500,000 of people had agreed to recommend the adoption by all the Australian Colonies of uniform legislation for the restriction of Chinese immigration. Was the effect of their uniform legislation to be spoilt by the 30,000 people of Western Australia? In the colonies to the eastward would be a sense of public injury and resentment if Western Australia persisted in her course, a resentment that would crystallise into restrictions upon intercourse between their ports and those of that colony. Any estrangement between the colonies was a matter for regret, especially at this time when a desire was growing for

105. The authorities in West Australia had no desire to encourage Chinese immigration, and turned to it only as a temporary expedient, to satisfy "an exceptional want in exceptional circumstances." (Memorial to Secretary of State, 29/3/81, West Australian V. & P., 1881, 1st Session, Parl. P. A2.)

106. Memorandum to Lord Kimberley, N.S.W. V. & P., 1880-81, Vol. 3, p. 325.

a closer political tie. Such was the delegates' presentation of the situation.

It was small wonder that Western Australia resentfully regarded this action of the other Australian Colonies as "a petty piece of meddling busybodism in the internal affairs of Western Australia,"[107] or that they protested in more moderate official language that "no just grounds whatever exist for the action in regard to this Colony which the Intercolonial Conference have thought it proper to take."[108] Western Australia had in 1878 brought 50 Chinese to the colony, and in 1880 contemplated bringing 50 more. And in one month of 1881 there had voluntarily come to New South Wales 1800.[109] If the delegates knew the facts they must have known how groundless was the fear of a flood of Chinese coming from this remote colony in which there were far fewer Chinese than in any other colony in Australia. In the words of the Governor of Western Australia, their protest seems more "a matter of sentiment than of practical concern."[110] But their resentment and their protest were no doubt due to the fact that the action of the western colony destroyed the unanimity they had hoped to secure on the question of Chinese immigration, and detracted from the strength of their joint representation to the Imperial Government of the urgency of the matter. The action of Western Australia seemed an active negation of the principle on which their policy of Chinese restriction was based.

The British Government saw no reason why they should interfere to prevent the Council of Western Australia (two-thirds of which was elective) from carrying out its intention of bringing 50 Chinese labourers to the colony. They knew that none of the few Chinese hitherto brought had gone to the east of Australia. "Strong evidence of injury already sustained or likely to be sustained, by the neighbouring Colonies would be necessary to justify Her Majesty's Government in interfering with arrangements sanctioned by the Legislature. . . . . for

107. Extract from the "Australasian," newspaper, West Australia, enclosed in Memorial to Secretary of State, 29/3/81, Western Australian V. & P., 1881, Parliamentary Paper A2, p. 34.

108. Memorial. Ibid.

109. New South Wales V. & P., 1881, Vol. 4, p. 798.

110. Sir W. C. F. Robinson to Lord Kimberley, 25/1/81, Parliamentary Paper No. 12, Western Australia, V. & P., 1881.

the very limited immigration now proposed."[111] Events, however, soon brought this colony into line with the rest of Australia.

Legislation.

The legislation adopted by the colonies after the Conference was not quite uniform, though the principle of the method of exclusion was the same. New South Wales and Victoria agreed to pass a Bill on the lines of those previously existing in these colonies. The passenger limitation was, however, made more stringent—1 to every 10 tons.[112] New South Wales this time did not withhold naturalisation from resident Chinese. South Australia, New Zealand and Tasmania agreed to copy Queensland's Act of 1878. Queensland, however, made her own Act more stringent in 1884 by raising the capitation fee to £30 and the passenger limitation from 10 tons to 50 tons. All these Bills exempted Chinese British subjects from their provisions.

South Australia's restrictive law[113] did not apply to the Northern Territory, an exception due to the Legislative Council. The almost insolvable problem with which this colony was faced, the development of the tropical Northern Territory, made the Council hesitate to keep out the only kind of labour that seemed willing to go there. Experiments made after the incorporation of this huge slice of tropical Australia in 1863 had shown that there were large areas suitable for the growth of such products as cotton and sugar and coffee. Land was put within the reach of all who were willing to go and use it. Several companies were formed, especially after the Territory came prominently under Australian notice by the completion of the overland telegraph in 1872. But the labour difficulty seemed an insurmountable obstacle to the development of this region. After consultation with the companies, the South Australian Government had intro-

111. Lord Kimberley to Sir W. C. F. Robinson, 11/5/81, Western Australia, V. & P., 1881, Parl. Paper No. 12.

112. New South Wales: 45 Victoria C. 11. Victoria: 45 Victoria C. 723. The influence of the small-pox outbreak was seen in Clause 11 of the New South Wales Act (it was thrown out by the Legislative Council); all vessels bringing Chinese passengers were to be quarantined. The clause was rejected for two reasons: (a) It was a mere subterfuge—its real aim was to throw another obstacle in the way of Chinese immigration (Mr. Jacob, Mr. Piddington, New South Wales Parliamentary Debates, 1881 Session, pp. 127 and 649 respectively); (b) It was "a monstrous imposition on the commerce of the Empire" (Mr. Reid, p. 270, Ibid).

113. 45 Vict. C. 213, contains a provision that Chinese entering the colony shall be vaccinated.

duced about 200 Chinese coolies into the Northern Territory.[114] Most of these were at once taken by the companies and private individuals, and the rest were employed by the Government Resident on various public works. South Australia had further tried to encourage settlement in the Northern Territory by the offer of substantial rewards for the discovery of gold there.[115] Gold had been found, but, as it proved, in scarcely payable quantities. But this was not known at first, and as usual Chinese were soon attracted. The Government had to start relief works in the Northern Territory to keep them from starving. The Anti-Chinese Association of Queensland pointed out to South Australia the danger of permitting unrestricted Chinese immigration, for it feared that the richer Queensland mines would lure them overland.[116] Once more, as in 1857, South Australia tried to act the part of a considerate neighbour, but the Legislative Council threw out the Bill passed by the Lower House. Another Bill introduced a little later met the same fate. "To pass the Bill would be to put in the keystone of an arch of folly commemorative of our dealings with the Northern Territory,"[117] was the opinion of a section of the South Australian colonists.

Thus, when the Government of South Australia attempted to carry out the compact made at the Conference, the Legislative Council once more refused to allow the Bill to apply to the Northern Territory. But the restriction against Chinese immigration to South Australia proper was made to apply also to any Chinese from the Territory who might come by land as well as by sea, the area of restriction extending north for 1000 miles from Adelaide. The inhospitable region separating the northern from the southern parts of the colony, and the intervening coasts of the other colonies, made such protection practically unnecessary.

The exemption of the Northern Territory from the South Australian restrictive law was to cause trouble later.

Tasmania at this time had no need to pass a restrictive

114. Minister for Justice in Legislative Assembly, South Australia, Parliamentary Debates, 1874, p. 1122.

115. South Australia, Parliamentary Papers Nos. 38 and 65 of 1874, and No. 155 of 1880 (see V. & P. of these years).

116. Letter from Committee of Anti-Chinese Association to South Australian newspaper, the "Register," quoted in Parliamentary Debates, 1880, p. 520.

117. R. C. Baker in Legislative Council, South Australia, Parl. Debates 1880, p. 1652.

measure. But by 1885 her tin and gold mines were attracting a considerable number of Chinese. At first while general employment was good in the colony, no outcry was made. But in 1885 the expected clamour began, though there were no more than 1000 Chinese in Tasmania. Another reason also played its part in inducing the authorities to co-operate with the other colonies. Was it friendly of Tasmania to allow Chinese to use the country as a temporary residence for the purpose of obtaining letters of naturalisation, so that they could thereafter obtain admission into the other colonies without paying an entrance fee, or complying with the restrictions imposed by these colonies?[118] So an Act[119] came into operation at the end of 1887 which limited Chinese immigration in the same way as it was limited in Victoria and New South Wales.

The discovery of valuable minerals in Western Australia soon caused this colony to revise its attitude towards Chinese immigration. Gold was found in the Kimberley district, and Western Australia began to fear a Chinese inrush similar to those that had followed the discovery of gold in the east of Australia. The Chinese, too, began to gain a firm hold over the pearl fishery in Shark Bay.[120] So, in 1886, Chinese immigration was restricted.[121] Free entry was allowed only to the few who might come under the provisions of the Imported Labourers' Registry Act[122] of 1884. By this Act Western Australia adopted almost the same Chinese policy as characterised the self-governing colonies.

It will be seen that at this stage a barrier to restrict the immigration of Chinese was erected all round Australia with the exception of the Northern Territory. It varied somewhat in

118. Enclosure, Memorandum by I. Clark, Attorney-General, in Despatch from Sir R. G. C. Hamilton, Governor of Tasmania, to Lord Kimberley, Secretary of State for the Colonies, 2/5/88, No. 70 of British Parliamentary Papers, Cd.. 5448, 1888.

119. 51 Victoria C. 9.

120. Broome to Secretary of State, 16/1/86, Western Australia, Council Paper No. 29, V. & P., 1886.

121. 50 Victoria C. 13.

122. The object of this Act, like that of the previous one of 1874, is summarised in the preamble: "Whereas it is expedient that a register should be kept of all persons (natives of India, China, Africa and of Islands in the Indian and Pacific Oceans and Malayan Peninsula) who shall be imported into West Australia or employed in any manner within its territorial Dominion, and whereas it is also expedient to prevent the importation of old and sickly persons, and to make due provision for the welfare and comfort of all such persons as shall be imported." Such labourers seem to have been introduced by West Australia mainly for pearling.

height and strength, but it was sufficiently effective to satisfy general colonial opinion till 1888. To its erection Britain had made no demur otherwise than by her manifestation of regret and reluctance to Queensland in 1876.

Chapter 4.—ATTEMPTED UNIFORM APPLICATION OF THE RESTRICTIVE PRINCIPLE.

The year 1888 marked another stage in the development of the White Australia policy. There began a third and last movement against Chinese immigration into the Australian Colonies, a movement which resulted in its virtual exclusion. The Imperial and international aspect of the policy adopted by these colonies now for the first time became of serious practical importance. The clear delineation of this aspect, by contrast, threw into strong relief the essentially Australian character of the policy. A realisation of its vital Australian nature helped the people of these colonies to throw off a little more of the provincialism out of which their anxiety about the future destiny of the South Pacific Islands had of late years been shaking them. An Australian spirit, feeble at first, but to grow steadily stronger, now began to animate the policy.

Practical Exclusion Decided Upon.

The reason for this third movement against Chinese immigration is at first not easy to understand, for the increase in the number of the Chinese in Australia from 1881 seems to have been only about 6000.[1] Because of the gradual increase of population in the colonies, the ratio of Chinese to people of European origin was smaller than before. In Queensland, one of the colonies most determined to exclude them altogether, the numbers of this people had actually decreased.[2]

Why, then, did the colonies determine to restrict the immigration still further? Experience of a resident Chinese population seems to have confirmed all classes and all shades of political opinion in the objections that most, but not all, of the colonists of 1881 felt to the presence in Australia of any considerable numbers of these people. While their convictions as to the undesirability of allowing a larger Chinese element to form in the

1. See figures taken from official sources, quoted by Mr. Rounsevell in Legislative Assembly, South Australia, Parl. Debates, 1888, p. 250.
2. Ibid.

colony were thus being slowly strengthened, Australians were beginning to take a greater interest in the outer world. The Pacific was becoming a centre of European and Asiatic activity. The Australian people instinctively began to draw together, not only to consolidate what they already held, but also to obtain what they felt was essential to their future safe development. Hence the presence in Australia of Chinese, a people who seemed to remain permanently alien, and one therefore that could not share in aspirations that were beginning to assume a distinctly Australian character, nor assist in their realisation, was regarded with even less favour than before. The voices of "Young Australia," becoming articulate in the cry of "Australia for the Australians," completely drowned the feeble voice of the old cosmopolitanism that had struggled to uphold the immigration principles of the mother country. At this time, too, China was giving evidence of some desire for progress on Western lines. Her contest with France during the early eighties increased her prestige, and her attempt about this time to organise a naval force was carefully noted by the small British-Australian garrison of the almost empty Southern Continent. The Australian colonists were inclined to credit this awakening Empire with an international influence that it did not really possess. They felt that it was wise to take at once any further measures that might be necessary.

Just when the colonies were beginning to come to the conclusion that their policy of restriction should become one of virtual exclusion, there came a sudden influx of Chinese into the unprotected Northern Territory. At the same time China's newly-awakened interest in her emigrants gave some foundation for the erroneous idea that Chinese emigration to Australia was assuming a new and dangerous form. These last two factors account for the sudden tide of feeling in 1888, which in New South Wales swept away the usual restraints on hasty legislative and executive action, and in most of the colonies led to the adoption of legislation of a prohibitive character.

More Immediate Causes.

(*a*) *Evasion of Restrictions.*

The more immediate causes of this further development in Australia's policy should perhaps be examined a little more

closely. The heavy disabilities to which would-be Chinese emigrants were subjected after 1881 caused them to evade the restrictions whenever they could. It has been seen that the Acts of 1881 did not withdraw the right of naturalisation from the Chinese, and the new Act exempted from its operations resident Chinese who returned after a visit to their home land. Many naturalisation and exemption certificates were applied for in the following years. There was a remarkable parallelism between the annual number of naturalisation papers obtained, and the number of Chinese immigrants who presented themselves the following year.[3] There was ground for believing that a traffic in them was being carried on, by which many Chinese were enabled to evade the restriction. By the fraudulent use of such papers over 600 of these emigrants attempted, after 1881, to enter the Colony of New South Wales illegally.[4] For some time the practice was not suspected. Once suspicion was aroused, it was not difficult to obtain information which enabled the Customs officials to detect frauds.[5] When Victoria discovered how her Act was being evaded in wholesale fashion, naturalisation papers were issued only after careful measures were taken for the future identification of the applicants, and by 1888 their issue was stopped almost entirely. About this time the United States of America was dissatisfied, partly for the same reason, with the restrictions imposed by Congress in consonance with her treaty of 1880.

(*b*) *Influx into Northern Territory.*

The Chinese began to flow more quickly through the wide-open door of the Northern Territory, especially in 1887 and the beginning of the following year. During the eighteen months ending June, 1888, the number of the Chinese in the Territory had increased by some thousands. (The number of resident

3. In Victoria, the number of naturalisation papers issued in—
1882 was 317, the number of immigrants that arrived, 327
1883 „ 519 „ „ „ 433
1884 „ 601 „ „ „ 557
1885 „ 1178 „ „ „ 670
1886 „ 173 „ „ „ 1108
(See Br. P.P. on Chinese Immigration into the Australasian Colonies, Cd. 5448, No. 64, Sir H. B. Loch (Victorian Governor) to Colonial Office).

4. Parkes to Chinese Deputation ("Sydney Morning Herald," 9/5/88).

5. See arrangements made by Mr. A. Deakin, Victorian Parl. Debates, 1887, Vol. 54, p. 301.

adult Europeans was in 1885 about 700.)[6] Some had been brought under contract to work on the new railway that was being built between Palmerston and Pine Creek. One reason for the larger numbers coming about this time was the reported discovery of rubies in the Macdonnell Ranges. "Trustworthy information" was obtained that large vessels were about to come freighted with labourers to work on the supposed ruby fields in the centre of Australia.[7] An advertisement for a guide to pilot 500 Chinese to these ranges seemed to confirm such information. Would they not spread in all directions into the neighbouring colonies? Rumour that lost nothing in repetition declared that a powerful syndicate of Hong Kong and Canton merchants existed to pour Chinese into Port Darwin before the doors were closed.[8] In the month of December, 1887, 1000 Chinese arrived at this port. From the Northern Territory itself, and from several other Colonies[9] came urgent requests to the South Australian Government to take immediate steps to exclude this undesired people. Queensland feared that the Chinese would pour across her unprotected border to her newly-discovered Croydon goldfield.

Because the South Australian authorities did not move quickly enough, the Europeans of the Northern Territory deputed one of their number[10] to proceed to the colonies of eastern Australia for the purpose of arousing them to a sense of what they believed was the seriousness of the position. It was hoped in this way to persuade the other colonies to bring pressure on the South Australian Government. They succeeded in arousing alarm in these colonies almost as great as they themselves felt.

6. In a petition from Northern Territory to Queensland at beginning of 1888, the number of Chinese was stated to be between five and six thousand, and the whites 900. Mr. Rounsevell, in Legislative Assembly of South Australia (Parl. Debates, 1888, p. 246), says that, during the abovementioned period, the number of Chinese increased from 4000 to 7700. (He was trying to prove, from official sources, that the increase in the number of Chinese throughout Australia was only 6000, so would not knowingly exaggerate the figures for the Northern Territory.)

7. Telegrams from Mr. J. L. Parsons, Government Resident in Northern Territory, quoted by J. G. Ramsay in Legislative Assembly of South Australia, Parl. Debates, 1888, p. 218.

8. Ibid.

9. Ibid, p. 219.

10. Mr. M. V. Solomon, editor of the Northern Territory "Times." In 1888 Mr. Solomon had expressed to Mr. Th. King, the Minister responsible for the administration of the Territory, the opinion that Chinese should be allowed to enter (See p. 205 of South Aust. Parl. Debates, 1888). But, as had been the case in California, those engaged in business in the Northern Territory, soon found their trade was passing into the hands of these aliens, so they joined the labourers in their demand for exclusion.

The publication in the daily papers of the Government Resident's telegrams to the South Australian Government, pointing out the urgency of the need for restriction, served to increase the uneasiness.

To allay the alarm, though they felt it was mostly groundless, the South Australian authorities on the 1st March, 1888, declared their intention of exacting a poll tax of £10 from all Chinese newcomers, and from those already in the Territory if they should go beyond a radius of 20 miles from Port Darwin. From that date, too, all vessels that came from China and the Straits Settlements were to be placed in quarantine for 21 days. This last step was taken partly, as its opponents averred, to restrict the immigration, but chiefly because the Central Board of Health (South Australia) had twice reported the necessity for it. Their reports were confirmed by the successive arrival in January of six vessels with small-pox on board.[11]

The South Australian Government fell in the more readily with the widely-expressed wish of the colonists, because the Chinese had shown little inclination to engage in tropical agriculture—they preferred to be their own masters, and to fossick for gold. Moreover, the Government felt certain that, should any of the Chinese find their way to the Macdonnell Ranges, they would have to step in to save them from starvation.[12]

As soon as Port Darwin closed, the stream of Chinese which was flowing thither, and which could not be immediately checked, found its way round the coast of Queensland to the eastern colonies. It was comparatively small, but it caused an explosion which was heard in far-away Britain with such distinctness as put beyond all doubt the sentiment of the Australian people on the subject of Chinese immigration.

(*c*) *Suspicion that Chinese Immigration was Taking a New Form.*

One reason why feeling on the matter ran high when Chinese arrived in 1888 was the prevalence in some quarters of the idea that this immigration was taking a new form. From the influx of Chinese into the Northern Territory, and from Chinese activi-

11. Telegram, Feb. 17th, from Government Resident, quoted p. 218 of South Australian Parl. Debates, 1888.
12. J. G. Ramsay (member of Government), in Legislative Assembly (S.A.), Parl. Debates, 1888, p. 220.

ties in other directions, suspicion arose that their immigration was no longer the "accidental overflow of individual or associated enterprise," but was countenanced and perhaps supported by the Chinese Government.[13] Some thought that China had the ultimate design of forming a colony in some part of the north remote from the European settlements. The suspicion was groundless, but at the time it intensified public feeling on the Chinese question, and added a political aspect to the problem. The idea obtained the greater credence, because it was publicly professed by the Premier of New South Wales, Sir Henry Parkes.

(*d*) *Visit of Chinese Commissioners to Australia Strengthens Suspicion.*

Colour was lent to the suspicion by the active interest which China suddenly appeared to take in the welfare of her emigrant subjects. In May, 1887, a Chinese Investigation Commission visited the Australian Colonies, with the ostensible object of ascertaining the conditions of their countrymen there, and of advancing trade relations between China and Australia. Some of the colonists were not slow to suspect that these Commissioners came also "to form a judgment as to the character of these Colonies as a field for emigrants."[14] But the truth was that China was at last beginning to realise that both her duty to her subjects and her dignity as a nation demanded that she should at least try to protect her emigrants in foreign countries from insult and harsh treatment.

Complaints came to her of treatment "as disgraceful to those Governments in whose jurisdiction it was perpetrated as to the Government whose indifference to the sufferings of its subjects residing abroad invited it."[15] China, therefore, considered the plan of establishing Consulates and of organising a naval force, so that she could insist, if necessary, on fair treatment for her

13. See circular from Sir Henry Parkes, published in "Sydney Morning Herald," 6/4/88; also his speech in Legislative Assembly (N.S.W.), Parl. Debates, 1887-8, p. 3788.

14. "Sydney Morning Herald," 15/10/87.

15. Marquis Tseng (1886), Chinese Minister in Russia, then in England, quoted in article, "The Chinese Question in Australia," Quarterly Review, July, 1886.

subjects abroad.[16] The Viceroy of Canton, with whom the plan seems to have originated, suggested in March, 1886, that funds for the construction of ships for this purpose might perhaps be obtained from the emigrants congregated at different foreign ports.[17] On his recommendation, the Investigation Commission was appointed to visit the various islands of the Pacific and Indian Oceans to make careful inquiries into the condition of Chinese resident there.

The Commissioners left Canton in August, 1886, and returned in September, 1887. They visited various Spanish, Dutch and British Colonies. The emigrant Chinese numbered several millions, they found. They reported that their countrymen in the Philippines and in Java were heavily taxed, and subjected to other disabilities. Indeed, the Chinese were "most outrageously treated by the Dutch authorities."[18] Yet everywhere they seemed to be flourishing. There was little likelihood, therefore, of the realisation of the Viceroy of Canton's fear that "if measures are not adopted to render the residence of our citizens abroad more secure and peaceful, they will all flock home, and what will become of this surplus population scattered along our coast?"[19] In the American Pacific States, to which these Commissioners do not appear to have gone, the Chinese were being subjected to disgraceful ill-treatment on a scale greater than had occurred there before. America, however, at least made some pecuniary atonement—she gave a substantial indemnity of between two and three hundred thousand pounds.

Appeal to Great Britain by China for Abolition of Discriminative Legislation in Australia against Chinese.

The Commissioners found that the treatment received by the Chinese in Australia was much less harsh than that meted out to their countrymen in the Dutch and Spanish East Indies. But they reported that the Chinese that came to Australia had to pay an entrance tax, a tax imposed on no other newcomers. As a result of the report, the Chinese Minister in London, Lew

16. Memorial from Vicefoy of Canton, embodying report of Commissioners (Resume given by the "Times," London, 7th May, 1887); see also, extract quoted by Hon. J. G. Ramsay in Legislative Assembly of South Australia, Parl. Debates, 1888, p. 222-3.

17. Ibid.

18. Resume of report, "The Times" (London), 7th May, 1887.

19. Ibid.

Ta Jen, sent a formal protest to the British Government against the discriminative legislation in the Australian Colonies.[20] This was not the first protest that the Chinese Minister had made against such legislation in the British Dominions. In July, 1886, he had drawn Britain's attention to the invidious position in which his countrymen were placed by the operation of "a peculiarly offensive Act"[21] passed by the Legislature of British Columbia in 1884. This Act was "peculiarly offensive," not so much because it placed on resident Chinese disabilities from which all others were exempt, but because of the insulting language in which it was couched.[22]

In 1887 the Chinese Minister protested, as he had protested in 1886, that the legislation against the Chinese was opposed to international usage, it was incompatible with Britain's obligations under the treaties with China, and it was repugnant to the general spirit of British legislation.[23] He pointed out that there was no such discrimination in the Crown Colonies.[24] Why, then, should it exist in self-governing Colonies? he asked. The Governors in the Australian Colonies, in Hong Kong and the Straits Settlements, had repeatedly borne testimony to the general good conduct of the resident Chinese population, and of their value in developing colonial resources. "There does not appear, therefore, to be any sufficient reason for their being deprived of the immunities accorded to them by the treaties and the law of nations, or of their being treated differently to the subjects of other Powers residing in the same parts of Her Britannic Majesty's Dominions," he concluded.

20. Enclosure from Lew Ta Jen, in letter from Lord Salisbury (Foreign Office) to Lord Knutsford (Colonial Office), No. 1 of Br. Parl. Paper, Cd. 5448: "Correspondence Relating to Chinese Immigration into the Australasian Colonies."

21. Lew Ta Jen to Earl of Roseberry, Appendix I. of P.P., Cd. 5448.

22. According to Lew Ta Jen, its preamble accused "a whole race . . . . . of a series of the gravest and most revolting charges" (Protest to Earl Roseberry). The preamble justly objected to runs thus: "Whereas the incoming of Chinese to British Columbia largely exceeds that of any other class of people, and the population so introduced are fast becoming superior in number to our own race, are not disposed to be governed by our laws, are dissimilar in habits and occupations from our people, evade the payment of taxes justly due to the Government, are governed by pestilential habits, are useless in cases of emergency, habitually desecrate graveyards by the removal of bodies therefrom, and generally the laws governing the whites are found inapplicable to the Chinese, and such Chinese are inclined to habits subversive to the comfort and well-being of the community." The 1884 Act of the Columbian Legislature was found to be "ultra vires."

23. See No. 1 of Br. P.P., Cd. 5448.

24. There was discrimination in Western Australia, a Crown Colony.

Accordingly, he asked Britain to enquire into the subject with a view to the removal of the disability complained of.

The British Government was placed in a somewhat unexpected and difficult position. They sent a circular to the Australian Colonies, asking for a report concerning any exceptional legislation in force there, its object, and the measure of success it had had in achieving that object.[25]

The Situation of 1888.

This, then, was the situation of 1888: an immigration into the Northern Territory that was magnified and distorted by the mists of apprehension, an aroused and protesting China, and a mother country called upon to explain the objectionable policy of her daughter colonies.

How Should the Situation be Dealt With?

How should the situation be dealt with? The colonies were determined to adhere to the principle of restriction. But in view of China's protest to Britain, a protest which Britain alone must answer, what method of applying the principle ought to be adopted? Should the colonies (a) request the British Government to negotiate an arrangement with the Chinese authorities, which would effectively check the immigration and, at the same time, save China the mortification of having her subjects singled out as undesirable immigrants? Or should the colonies (b) stop the immigration by direct legislation, regardless of the aroused susceptibilities of China and of the effect such legislation might have on Imperial relations with that country? Or should they (c) devise some law which, while it placed Chinese emigrants on an equal footing with those from other countries, would yet be elastic and strong enough to stop the entry of all Chinese workers?

(*a*) *Should a Treaty be Substituted for Colonial Legislation?*

In most of the colonies there was at first a general leaning towards some treaty arrangement negotiated by Britain. The Chinese Minister's protest, and his request that the British

25. Lord Knutsford (Secretary of State for Colonies) to Governors of Australian Colonies, 23/1/88. No. 2 of Br. P.P., C. 5448.

Government should use their power of veto to get rid of the discriminative legislation complained of, made the colonies realise clearly for the first time the embarrassment their Chinese policy was likely to cause the Empire in its relations with the East. The colonists had no fear that Britain would exercise her prerogative of veto to destroy laws that embodied their carefully considered policy. They knew, as the Victorian Government stated, that Britain's treaties with China "were never contemplated to operate injuriously against the settlement and progress of these Australian communities by requiring them to receive the population of foreign States, either in such numbers as might prove a menace to their peace and stability, or under such circumstances as would bring about serious disarrangement in the occupations of the people."[26] They were aware that a revision of the Chinese treaties was being contemplated. The time seemed opportune, then, for Britain to take up their "great contention"[27] against the influx of Chinese. They felt that they had a right to expect the mother country to do this. Were they not an integral part of the Empire, and as such entitled to the support which its diplomatic influence and powers of treaty-making could afford?[28] Their importance, political and commercial, specially entitled them to this protection, they claimed.[29] As self-governing Colonies, excluded from all participation in the making of treaties, they felt they had an indisputable right to expect the Imperial Government to consult and protect their separate and peculiar interests in the matter of Chinese immigration.[30]

Such a treaty, it seemed, would be a more convenient and effective method of satisfactorily settling the Chinese difficulty than drastic measures adopted separately or collectively by the Colonies.[31] It would be evidence of a courtesy that would pre-

26. Victorian Government's reply to Britain's Circular, 13/4/88, No. 44 of Br. P.P., Cd. 5448.

27. See New South Wales' Government's answer to same, No. 3 of Br. P.P., Cd. 5448.

28. Ibid.

29. Ibid.

30. Reply of Sir Henry Parkes to Hon. D. Gillies, Premier of Victoria, 1888, and circular to other Australian Governments, 31/3/88 (Journal of Legislative Council of N.S.W., 1887-8, Part IV., p. 673). See also speech by Parkes, in N.S.W. Legislative Assembly, Parl. Debates, 1887-8, p. 3788.

31. Circular to Australian Premiers by Hon. D. Gillies, 22/2/88. See enclosure to No. 44 of Cd. 5448.

serve the friendship of China, and at the same time it should gain for the Australian Colonies all that they wanted. The belief in the feasibility of the treaty plan was strengthened by the news that the United States was successfully negotiating with China an agreement of a more satisfactory nature than that made in 1880.

The colonies were unanimous in their desire that Britain should negotiate a treaty for them with China. Should their desire be expressed in a joint representation to the mother country? The colonies, however, especially New South Wales, proved to be too impatient of the restraint necessary for concerted action, to take this course. And they were as yet disinclined to modify their individual ideas and methods in the interests of the formation of any policy that would be truly Australian in its scope. So each colony separately urged Britain to negotiate a treaty with China for the restriction of Chinese immigration. But they did not do so simultaneously.[32] Thus Britain could not take any immediate steps to meet their wishes.

But the idea of a treaty was soon supplemented by the idea that further and immediate colonial legislation was also advisable. The Governments in Australia came to this conclusion partly through the influence of Queensland. The geographical position of this colony and its mineral wealth, especially in the almost empty north, sharpened its anxiety for the adoption of thoroughly effective restrictive methods. It felt very doubtful whether a treaty alone could have satisfactory results. Had not the treaty negotiated by the United States in 1880 proved unsatisfactory, although under it Congress had power to legislate against the entry of Chinese labourers? Both Sir S. W. Griffith and Mr. (afterwards Sir) Thomas McIlwraith, leaders of the two political parties in Queensland, emphatically pointed out that a treaty with China, unless supplemented by colonial legislation, would not effectively restrict Chinese immigration.[33] It would be very

32. See Nos. 3, 22, 37, 39, 44, in Br. P.P., Cd. 5448 (1888). Sir Henry Parkes was of opinion that a joint representation would have less weight than a separate communication on similar lines from each Colony, and it might look as though pressure were being brought to bear on the British Government (Circular, 31/3/88, to other Colonies). Without waiting for any further consultation on the matter, he immediately telegraphed to the Secretary of State the views of the New South Wales Government.

33. See communication from Sir S. Griffith to Premier of Victoria, 2/4/88, quoted by Mr. McIlwraith in Queensland Assembly, Parl. Debates, 1888, Vol. 55, p. 239, and the latter's speech.

easy for intending immigrants to evade the provisions of a treaty by sailing in vessels whose first port of destination was in some part of the Eastern Archipelago; thence they could come on by the same or other ships to Australia.[34] In the second place, such a treaty would take long to negotiate, and meanwhile Australia would have to receive the Chinese immigration which, turned aside from Port Darwin, would be poured into the other colonies. Great Britain, acting in conjunction with her settlements in the East, could effect almost all that the Australians desired, for the great majority of Chinese immigrants came from the British Crown Colonies of Hong Kong and the Straits Settlements. Instructions to the Governors of those Crown Colonies to prohibit Chinese emigration to Australia would dam up the greater part of the stream.

Those who urged the necessity for immediate colonial legislation did not wish unduly to depreciate the importance of obtaining the aid and sympathy of Great Britain or the good that would result from the use of British influence with the authorities at Pekin. But this they considered of secondary, not of primary importance. Most of the other Australian Colonies were only too ready to be influenced by Queensland's arguments, because they felt that there was urgent need for the immediate adoption of effective measures of some kind.

(*b*) *Some Favour Immediate Drastic Legislation.*

A large section of unofficial and therefore less responsible opinion was in favour of immediate drastic legislation, regardless, it would seem, of any international or Imperial complications that might follow as a result. The existence of this section can be seen from the speeches made at the various public meetings held in Sydney and in the capitals of the other Australian Colonies. After a large and very representative meeting in Sydney, for instance, there was sent to the Governor for transmission to the Home authorities, a memorial which called upon the British Government "to maintain the right of the Australian authorities to frame such laws as they may consider necessary

34. Ibid.

to ensure on this continent the preponderance of the British race.'' [35]

(c) *Britain Suggesis Non-Discriminating Colonial Legislation.*

The British Government was not averse to the work of negotiating a treaty, if the colonies thought it was essential, and if the nature of their demands was reasonable.[36] Nor did they object to colonial legislation. But such legislation, in their opinion, should apply equally to emigrants from all nations. This would remove China's chief ground for complaint. But how could it be effected without keeping the Southern Continent empty? Lord Knutsford, Secretary of State for the Colonies, suggested a way out of the difficulty—a way that Lord Carnarvon had been feeling for in 1877. ''. . . . . It seems desirable to consider,'' he said, ''whether laws and regulations, equally restricting immigration into the Colonies of all foreign labourers, with power of relaxing the regulations in special cases reserved to the Governments, may meet the requirements of the case.'' [37] In other words, he suggested the solution of the difficulty on a principle which first Natal and afterwards the Commonwealth of Australia were to elaborate. He pointed out that if China were thus placed on an equal footing with other nations, the chief obstacle to the negotiation of a treaty for the limitation or exclusion of the Chinese from Australia would be removed.[38]

The suggestion, however, found no favour in the colonies. The adoption of such a principle might, they feared, hinder immigration from Europe, though not intended to have that effect.[39] The substitution of the word ''Asiatic'' for ''Chinese'' in the restrictive legislation was considered. But it was finally rejected because such a substitute was only a ''subterfuge''—the colonists insisted on ''saying what they meant.'' [40]

35. Lord Carrington to Secretary of State, No. 2307, Br. P.P., Cd. 5448 (1888). The deputation which presented this memorial included such representative men as Mr. (afterwards Sir) E. Barton, M.L.C., Mr. (afterwards Sir) G. R. Dibbs, M.L.A., leader of Opposition in N.S.W. Legislature at this time, and N. Melville, M.L.A., a consistent supporter of ideas which were soon to be upheld by the political Labour Party.

36. See No. 68 of P.P., Cd. 5448, and speeches in House of Lords, 8th June, on motion for production of correspondence relating to the Chinese question in Australia.

37. Telegram for consideration of Intercolonial Conference at Sydney, .No. 68 of Cd. 5448.

38. Ibid.

39. T. Playford, Premier of South Australia, explaining to the Legislative Assembly the proceedings of the Conference of June (Parl. Debates, 1888, p. 203).

40. Ibid.

It is interesting to note that the suggestion to admit immigrants in a certain ratio to those of the same nationality already resident in the colonies—the principle now adopted in the United States of America—was put forward at this time both in England and New South Wales.[41] But it was not considered at all by the authorities. Probably it was felt that the adoption of the proportional principle would be foolish in view of the fact that Australia was a young nation only in process of formation.

How the Situation was Dealt With.

Perhaps the development in the Australian policy during 1888 may be best understood by a chronological survey of the movement against the Chinese during that year. As early as October, 1887, the New South Wales and Victorian Governments were consulting one another about the advisability of some step for the further restriction of Chinese immigration. New South Wales, indeed, invited the other Australian Colonies to adopt with her some measure for its virtual prohibition.[42] But they were somewhat slow in taking the matter up, despite active agitation by Anti-Chinese Leagues.

New South Wales Government First Active in the Matter.

Britain's circular announcing China's protest, and the influx of Chinese into the Northern Territory, however, soon roused them all. The New South Wales Government, especially, seemed to think that there must be no delay in providing by some means for the exclusion of this people. Their apprehension that Chinese immigration was assuming a new political character probably accounts for their impatience. The other Governments do not appear to have shared this apprehension. Hence, New South Wales first replied to Britain's circular. After giving the information Britain asked for, the Government of this Colony emphasised the more important aspects of the Chinese question as it specially affected Australia, and urged Britain to take up the

41. "The Times" (London), 2/6/88; The "Sydney Morning Herald," 14/5/88; Mr. Quong Tart, a respected and influential naturalised Chinese merchant in Sydney, suggested the application of this principle to the Chinese only. (Letter to "Sydney Morning Herald," 8/12/88).

42. Circular from Parkes, 4/11/87 (Journal of Legislative Council, New South Wales, Part IV., p. 673).

matter at once. "However desirable it may be to avoid irritation, and the conflict of interests which may arise from local legislation," Parkes warningly telegraphed to Lord Knutsford, the Secretary of State for the Colonies, "if protection cannot be afforded as now sought, the Australian Parliaments must act from force of public opinion in devising measures to defend the Colonies from consequences which they cannot relax in their effort to avert."[43] The cable was not acknowledged immediately. After a fortnight, a further telegram from the Governor brought forth the reply that the subject was "under consideration."[44]

General Agitation in the Colonies.

Meanwhile, among all sections of the people in the east of Australia an increasingly strong public agitation for further restrictive measures was going on. Meetings were held in all the large centres, deputations waited on the authorities, and memorials and petitions poured in upon the Governments. The people generally did not realise the strength of their Governments' determination to deal with the question. They were inclined to attribute their slow movement to a feeling of indifference. They did not understand that it was prompted by a desire for a surer though slower method of settling the matter once for all—concerted Australian action supported by the whole influence of the Empire. Just at this time, unfortunately, cablegrams appeared in the press announcing that Lord Knutsford declined to negotiate with China a treaty on the lines of that which was being obtained by the U.S A. The New South Wales Government denied the truth of these cables, but their appearance, nevertheless, increased the public ferment. And the seeming delay of the British Government in indicating its intended policy weakened the effect of the official denial. Surely Britain must at least be indifferent. Why should self-governing colonies wait for her to settle for them a matter that was of vital domestic concern? Even to ask her to do so was a surrender of their just rights. So the people clamoured. The disorderly and

43. Lord Carrington (Governor of New South Wales) to Lord Knutsford. 3/3/88, No. 3 of Br. P.P., Cd. 5448 (1888). At the request of Parkes, the answer of the New South Wales Government was cabled instead of being sent in the ordinary way, as were the replies of the other Australian colonies (See Nos. 22, 44, 70 of ibid).

44. No. 7 of ibid.

cowardly elements of the populations of Brisbane and Sydney seized the opportunity to attack some of the Chinese and to damage their property.

Arrival of Chinese in Victoria and New South Wales.

While the air was thus electrical, there came to Melbourne at the end of April the "Afghan." The net tonnage of this vessel was 1400 tons. By Victoria's law, this vessel was entitled to bring to Victoria only 14 Chinese immigrants—unless they were British subjects—under a penalty of £100 for each additional passenger. But 48 of the 60 naturalisation papers presented were found on examination to be fraudulent. The captain was therefore liable to a very heavy penalty for bringing more than his legal number of Chinese passengers. He was finally told that if he did not attempt to enforce his right to land 14 Chinese, the Government would forego the fine to which he had laid himself open. Under the circumstances the captain agreed to the proposal, and left for Sydney. Meanwhile a few other Chinese, transhipped to a colonial vessel, were ordered into quarantine pending a thorough examination of their naturalisation papers. Despite the popular clamour, the Victorian Government adhered to their resolution to take no isolated legislative action, and to await an indication of the British Government's intentions. Through their arrangement with the master of the "Afghan," the Government evaded the law by neglecting to exact the penalties for which the Victorian Chinese Restriction Act provided.

But the sudden and almost inexplicable panic aroused in New South Wales by the arrival of several ships bringing Chinese was too great for the preservation of a temperate policy. It swept the New South Wales Parliament headlong to discriminative legislation of the severest kind. There had arrived at Sydney just before the "Afghan," the "Tsinan" with 204 Chinese, only 45 of whom, however, were for Sydney. It was soon joined by the vessel from Melbourne, and then by the "Guthrie" and "Menmuir," bringing in all 531 passengers, some of them destined for other colonies.

After a huge public meeting, crowds surged round Parliament House, accompanying a deputation to urge on the Premier a policy of immediate exclusion. He refused to be intimidated, and declined to receive the deputation till the next morning. The

Government finally decided to allow no Chinese at all to land except those possessing bona-fide naturalisation papers. The Chinese felt that this decision was a great hardship for former residents of New South Wales who held exemption papers, and who had merely been on a trip to their native land. "Supposing a British subject, owning property in China, returned from a visit to England, and found that he was prohibited from entering Chinese territory, he would consider it a very great hardship," Mr. Quong Tart and other influential Sydney Chinese vainly reminded the Government.[45]

By refusing to allow the Chinese to land, the Government was setting aside an existing law. They felt that their action needed immediate Parliamentary indemnification, and the support of a prohibitive measure. Many of the colonists believed that the Government's action was supported by the law of the well-being of the community, the highest of all the country's laws.[46]

In New South Wales Legislation of Drastic Character Introduced.

"Whatever we might do, we knew we should be blamed," wrote Parkes some years later. "If we did nothing, it would be cowardly indifference to the danger; if we went half-way, it would be blundering incapacity to deal with it; if we went the whole way, it would be high-mindedness and tyranny. We tried to see our simple duty."[47] He concluded that his "simple duty" was to introduce a drastic Bill immediately. Despite an appeal from South Australia and Queensland to postpone isolated action till a conference was held,[48] and despite the example of Victoria in refusing to legislate under somewhat similar, though less trying, circumstances, on the 16th May the standing orders were suspended to allow a most severe restrictive Bill to pass through the Lower House in one sitting.

Surprise and regret at the somewhat precipitate action of the New South Wales Government were expressed by the calmer

45. Chinese deputation to Sir H. Parkes ("Sydney Morning Herald," 9/5/88.

46. See, for instance, speech by N. Melville in Legislative Assembly, New South Wales, Parliamentary Debates, Vol. 31, 6/6/88.

47. "Fifty Years in the Making of Australian History," p. 475, Sir Henry Parkes.

48. Telegram from South Australia, 16/5/88, from Queensland, 17/5/88 (Journal of Legislative Council, Part IV., p. 676).

section of the colonists. They knew that public feeling had indeed run dangerously high, but the coming of a "few score" of Chinese was surely no reason for the setting aside of the colony's law, and the removal of constitutional safeguards established to check hasty and ill-considered measures. Such legislation, without previous notification to those who would be affected by it, was felt to be unjust and discourteous, and to be without even the excuse of being necessary to avert a national danger.

It should perhaps be remembered, when considering New South Wales' panic legislation, that the Government had not then received any indication of Britain's attitude to the question, which might have helped it to stand against public pressure. On May 11, the British Government had denied the truth of the cable which had announced their "refusal" to negotiate with China, cables to which their attention had been urgently drawn on the 26th April. They "fully recognised the strength of the feeling in the Colony," and the matter was being "carefully considered."

The Legislative Council of New South Wales refused to proceed with the Bill in such hasty fashion as the Lower House had dealt with it, and even thought of postponing its consideration altogether till after the proposed conference was held. This, however, it did not ultimately do.

The Colonial Courts Declare Illegal the Exclusion of Chinese who were Willing to Conform to Existing Regulations.

The Bill contained a clause indemnifying the Government should its action in preventing the Chinese from landing be considered illegal. This point of legality was tested while it was being leisurely considered and freely amended by the Council. The Supreme Court of New South Wales declared that the action of the Executive was unlawful—the Chinese possessing exemption papers issued by the Government previously should be allowed to land. The Government did not attempt to prevent the carrying out of the Court's decision. Those holding these certificates were accordingly landed (May 19), 8 from the "Tsinan" and 42 from the "Afghan." The Government's introduction of the restriction Bill satisfied the people of their

determination to deal with the Chinese question, and the landing, consequently, caused no excitement. Under the same authority, these emigrants who had come prepared to pay the entrance tax also landed later on. The Government had been prepared to compensate those whom they had shut out, many of whom had spent their all in coming to the colony.[49] An application on behalf of the Government for leave to appeal to the Privy Council was refused. The Victorian Government, however, obtained such leave.

But Privy Council Held that Action was Justifiable.

In the celebrated case of Musgrove v. Chun Teeon Toy, the action of the Government in excluding Chinese emigrants who were prepared to conform to Victoria's immigration law was ultimately held to be justifiable on the ground that "an alien has no legal right enforceable by action to enter British territory."[50]

The Privy Council approved the minority judgment of Mr. Justice Kerford, of the Supreme Court of Victoria, as to the powers of the Crown's representative in a British colony in regard to aliens:—"All the prerogatives necessary for the protection of the people, for the administration of law and for the conduct of public affairs in Victoria, have passed with the grant of self-government, and are exercisable by the Representatives of the Crown on the advice of responsible Ministers. The prerogative to exclude aliens still exists, and it is exercisable by the Crown in Victoria."[51]

The refusal of the Governments of New South Wales and Victoria to allow the Chinese to land was not without good effects. The disgusted steamship companies connected with the Chinese passenger traffic resolved to bring no more of these emigrants to Australia until the question was definitely settled[52]—a sensible policy which saved the Australian Governments any further embarrassments just then.

As the expulsion of the Chinese from the goldfields showed the Colonial authorities the quality of the opposition felt by a

49. A Compensation Board, consisting of Messrs. J. A. Street, Quong Tart and James Powell, had been appointed to deal with the matter. ("Sydney Morning Herald," 19/5/88).

50. Musgrove v. Chun Toy, A.C., 1891, p. 282.

51. Chun Toy v. Musgrove, 14 V.L.R., p. 349.

52. "Sydney Morning Herald," 8/6/88.

large section of the community, so the action of these two Colonies,[53] and especially that of New South Wales, showed Britain the temper of Australia on the subject of Chinese immigration.

But Colonial Action Caused Chinese Minister Again to Protest Vainly.

But the refusal to receive Chinese who had emigrated under the impression that there was no new obstacle to their entry into the Australian Colonies, and the introduction of drastic legislation into the Parliament of New South Wales, did little to pave the way for negotiations with China. And so Lord Knutsford told the colonists plainly.[54] Their action brought forth another protest from the Chinese Minister in London. The sending back of Chinese emigrants prepared to comply with colonial immigration laws seemed to him arbitrary and quite unjustifiable, whether looked at from a "conventional, international, or statutory standpoint."[55] He hoped that the British Government would take measures "both to remove the prohibition placed on the landing of emigrants, and to prevent the recurrence of an Act so illiberal, so invidious, and, because directed against Chinese subjects only, so contrary to international usage, and the spirit of the treaties, from which the Colonies themselves, not less than the inhabitants of the mother country, derive so many advantages."

But he protested almost in vain against colonial action and against colonial laws. Britain was anxious that all due regard should be paid to the feelings of a friendly nation, and that language which discriminated against the Chinese should be avoided. But she held out no false hopes that she would interfere to modify the principle of Australia's Chinese policy.[56] The will of the people as the determining factor in political policy had been too long recognised in Britain to permit the Government,

53. The South Australian Government also declared that, had the Chinese in the "Menmuir," which passed their coast on its way to the eastern Colonies of Australia, attempted to land, they also would have refused to receive them (No. 27 of Cd. 5448).

54. Knutford's message to delegates at International Conference, No. 68 of Cd. 5448. See also his speech in the House of Lords, 8th June (Hansard, 1888, Vol. 325, pp. 1513-17); and article, "Chinese Question in Australia," July, 1888, Quarterly Review.

55. Lew Ta Jen to Lord Salisbury, 7/5/88, enclosed in No. 36 of Cd. 5448, and 15/5/88, enclosed in No. 51 of ibid.

56. Lord Salisbury to Lew Ta Jen, No. 76a of ibid.

even had it wished, to thwart the virtually unanimous demand of a British self-governing community.[57] Britain was ready to admit now that restrictive legislation in the Australian Colonies did not infringe her treaties with China.[58]

Intercolonial Conference, 1888.

Early in May, South Australia had suggested to all the other Australian Colonies a conference for the purpose of securing a uniform policy on the Chinese question.[59] The British authorities gladly approved of it in the hope that further legislation hurtful to Chinese national pride might thus be avoided. They tactfully declined to take advantage of an invitation to send delegates, thus implying their belief that the colonies themselves would evolve some reasonable proposal. Asked for any points the British Government might wish the conference to consider, Lord Knutsford frankly and courteously stated the position as it appeared to him. Here for the sake of continuity it is necessary to recapitulate a little. Lord Knutsford stated that the British Government was anxious to meet the wishes of the colonists, but that New South Wales' Bill was at present an obstacle to negotiations. He then suggested that they might perhaps substitute an immigration law which would put emigrants from all nations on an equal footing, while at the same time reserving to the colonies the power to admit whom they liked. Such a law would remove China's chief cause for complaint, and pave the way for a friendly international agreement. The British Government was prepared to consider representations from the conference, but it could not then promise that diplomatic action would follow. That would depend on the nature of the proposals made.[60]

Decision of Conference.

The Colonial delegates met at Sydney on the 12th, 13th and 14th June. They unanimously resolved that the restriction of Chinese immigration, which in their opinion was essential to

57. "We are in the hands of the colonists, and they must do in the matter as they please." See speech of Lord Derby in House of Lords, 8th July (Hansard, 1888, Vol. 325, p. 326).

58. Baron de Worms, Under Secretary of State for the Colonies, in House of Commons, as reported in "Times," London, 2/6/88.

59. Governor of South Australia to Lord Knutsford, No. 31 of Cd. 5448.

60. No. 68 of Cd. 5448.

the welfare of the Australian colonies, could best be effected, (a) through diplomatic action by the Imperial Government, and (b) by uniform Australian legislation.

(a) Accordingly a joint representation was sent to the mother country, setting forth the views of the Conference.[61] They asked the British Government to try to obtain a treaty by which all Chinese except students, officials, travellers, merchants and similar classes, should be excluded from Australia. To facilitate the negotiation of such a treaty, the Conference agreed to abolish the poll tax to which the Chinese so strongly objected. And they requested the British authorities to induce the Governments of the Crown Colonies of Hong Kong, the Straits Settlements and Labuan to prohibit at once the emigration to the Australian Colonies of all Chinese who did not belong to the exempted classes.

(b) The delegates agreed that the proposed uniform legislation should contain the following provisions. It should apply to all Chinese with specified exemptions; the method of restriction should be passenger limitation only—no vessel to bring into any Australian port more than one Chinese passenger to every 500 tons of the ship's burthen; the movement of Chinese from one Colony to another without the consent of the Colony entered should be a misdemeanour.

The Governments, except those of New South Wales and Western Australia, pledged themselves to introduce Bills embodying the provisions set forth in the draft Bill. New South Wales could not do so because of the Bill then before her Parliament. But she promised to take the necessary steps to bring the law of New South Wales into strict harmony with that of the other Colonies as soon as two or more of these Colonies had adopted the draft Bill agreed upon by the Conference.

The delegates from Tasmania, however, disapproved of the draft Bill.[62] In their opinion it was unnecessary, inconsistent with their request to Great Britain, and illiberal in some of its provisions. "Upon occasions when the insular interests of the Colonies can be secured in connection with those that are Imperial," they reminded the others, "it behoves these Colonies

61. No. 78 of ibid.

62. Agent-General for Tasmania to Secretary of State for Colonies, 15/6/88, No. 79 of Cd. 5448. See also proceedings of Conference for Tasmania's written objections.

to remember that their preservation is maintained by Britain's forces, and that colonial Acts must be justified by the Home Government."[63]

Thus, in dissenting from the resolution for further restrictive legislation, Tasmania drew attention to obligations which the colonies, so alert for the maintenance of their rights, were rather prone to overlook. Tasmania thus played the same role for Australia as New South Wales had played for Queensland in 1877. But her objections seemed to have weighed very little, if at all, with the other colonies.[64] No doubt one reason for this was the feeling aroused by her last argument against the draft Bill, the argument that it disregarded the problem of the development of the Northern Territory.

To What Extent Carried Out.

The British authorities saw no reason to disturb the decision arrived at by the Conference.[65] Since the colonies were determined on restrictive legislation, Britain assented to a passenger limitation as a much less objectionable method of reducing the inflow than the imposition of a poll tax.[66] In accordance with the wishes of the colonies, Lord Salisbury, Minister for Foreign affairs (and Prime Minister), instructed Sir James Walsham on 22nd June to open negotiations with the Chinese Government with the object of inducing it to enter into a convention by which the immigration to the colonies might be checked to the extent they wished.[67] In the meantime, instructions were sent to the Governors of Hong Kong and the Straits Settlements to suspend Chinese immigration to Australia.[68]

Negotiations With China Come to Nothing.

Nothing appears to have eventuated from Britain's negotiations with China. All things considered, it is not surprising.

63. Ibid.

64. See reference to them in Parl. Debates in the South Australian and Queensland Legislative Assemblies, 1888, on the subject of the proceedings of the Conference.

65. So Lord Knutsford told the Agent-General (see telegram quoted by Premier of Queensland in Legislative Assembly, Parl. Debates, 1888, Vol. 55, p. 238).

66. Telegram from Knutsford to South Australian Governor, quoted in South Australian Assembly, Parl. Debates, 1888, p. 1263.

67. Salisbury to Walsham, 22/6/88, No. 85 of Cd. 5448.

68. Telegram from Secretary of State, announcing opening of negotiations, quoted in Legislative Assembly of Victoria, Parl. Debates, 1888, V. 57, p. 518.

With the exception of the abolition of the poll tax, the colonies did little to smooth the way. New South Wales adhered to her drastic legislation, which embodied very emphatically the discrimination to which China strongly objected.[69] She refused Britain's request to suspend it,[70] so as to remove the chief obstacle to an agreement with China. She did not even carry out her promise to bring her Act into line with the provisions of the draft Bill as soon as this Bill had become law in two other colonies. Queensland, too, passed an unreasonably severe Act even while diplomatic conversations were going on.[71] The adoption by the Australian Colonies, as a whole, of legislation which in their opinion would by itself accomplish the object they sought,[72] made a treaty arrangement practically unnecessary. It amounted to an announcement that discriminative legislation of a given character was going to be adopted whatever treaty was arranged. The United States of America, in 1880, had gained permission by treaty before she passed restrictive legislation. Her treaty of 1888 was wrecked for some years because its provisions were made more severe by the Congress. It is more than probable that any treaty that could have been negotiated for Australia might also have lacked the prohibitive character that the temper of the people demanded.

Fairly Uniform Legislation in Australia.

The Australian Colonies at once passed legislation on the lines laid down by the draft Bill. Victoria and South Australia added little to it. It has already been noticed that Queensland made hers more severe. The Royal Assent was given to it only on the understanding that certain modifications would be made. The Act was amended in 1890.[73] But the changes did not go nearly as far as Britain had stipulated. Western Australia, though still a Crown Colony, passed an Act[74] on the lines agreed upon. But by an "Imported Labourers' Registry Act" of 1884,

69. Her Bill imposed £100 poll tax, provided for a passenger limitation of 1 to 300 tons, forbade the Chinese to engage in mining, withheld naturalisation, and exacted heavy penalties for any infringement of its provisions.

70. Lord Knutsford to Lord Carrington, Governor of New South Wales, 14/6/88, No. 77 of Cd. 5448.

71. Lord Knutsford to Governor of Queensland, 13/2/89, V. & P., 1889, Vol. 3, p. 209.

72. Joint representation (Conference) of Australian Colonies (Carrington to Knutsford), 14/6/88, No. 78 of Cd. 5448.

73. 54 Vic. No. 29.

74. 54 Vic. C. 31.

indentured workmen from any Asiatic country or from Africa could be brought into Western Australia under certain definite conditions. It was possible, then, for Chinese still to come into the Colony. Indeed, it was pointed out that the number of Chinese in the Colony in 1888 had, by 1893, increased more than threefold, and that they had drifted southward after their period of indenture.[75] So the Labourers' Act was amended by placing a passenger limitation of 1 to 500 tons on vessels bringing, among others, indentured Chinese labourers.[76] And in 1897 even the limited number that could then possibly be brought were allowed to come only to the tropical regions north of 27 deg. S. Lat., and the greatest care was taken that they should remain only during the period of their contract.[77] Thus Western Australia by the time she had received self-government was in line with the other Colonies. Tasmania alone saw no reason to make her Act of 1887 more stringent.

Its Effect.

The high restrictive barrier erected round Australia seemed satisfactorily to exclude the Chinese immigration. Then it was discovered that in one colony there was a gap wide enough to allow a considerable number to creep into Australia. One class of exemptions provided for by the draft Bill included the crews of any vessels "not discharged therefrom." Transhipment of Chinese from one vessel to another had been going on, and the colonies hoped that, by adopting a uniform tonnage restriction, this practice which would render the passenger limitation to a large extent nugatory would be stopped. It has been seen that New South Wales did not adhere to her agreement to bring her law into harmony with that adopted by the others. Thus her passenger limitation remained 1 to 300 tons, instead of 1 to 500 tons. The effect of this discrepancy was pointed out in 1893 by the Customs officer at Port Darwin.[78] It was found that in one year there was a difference of 700 between the number of Chinese seamen on the vessels before they left Darwin for the more

75. Western Australian Parliamentary Debates, 1893, p. 451.

76. Mr. (afterwards Sir John) Forrest, Premier, in Legislative Assembly, West Australia, Parl. Debates, 1893, p. 451.

77. 61 Vic. C. 27.

78. C. C. Kingston (Premier of South Australia) to Premier of New South Wales, August, 1893 (N.S.W. V. & P., 1893, Vol. 2, p. 1123).

southern ports, and the number after they returned. Up to 1893, 2198 Chinese had in this way evaded the general passenger limitation by coming on the ships as seamen. This evasion of the Restriction Acts by the pretence of being members of the crew could not have been effected if it had not been for the facilities for discharge and transhipment which existed at Sydney. New South Wales was clearly in the wrong, her neglect nullifying to some extent the benefit it was hoped would result from the uniform legislation agreed to at the Conference. Like most people consciously in the wrong, the Government showed resentment when it was pointed out to them. And when South Australia suggested a conference to consider the advisability of repealing or modifying the exemption in favor of crews, New South Wales found that, owing to "great pressure of public business," and "the change that was about to take place in her Parliamentary representation,"[79] it was impossible for her to take part for some time in any intercolonial conference.

The general result of the measure adopted, however, was very satisfactory on the whole. The restrictive laws were carefully, even harshly, administered. The Chinese population in Australia, which in 1888 had stood at a figure between 45,000 and 50,000, by 1901 had dwindled down to a little over 32,000.[80]

Such was the third and last movement against Chinese immigration into Australia. Each movement had become wider. By 1888, Australia as a whole had made up her mind on the subject, and announced it with no uncertain voice. Such an announcement they felt to be necessary, because the Chinese, forced by the Western nations more and more from their seclusion, pressed outward by the enormous population, and assisted by the greater facilities for quick and cheap emigration, were spreading farther and farther along the shores of the Pacific, where the rich and comparatively empty continents beckoned alluringly. The Australians were about to step into their inheritance as a British nation, and this they were resolved to hand down to their children unaltered in character by an alien civilisation.

79. Included in Parl. Paper on p. 1123 of Vol. 11, V. & P., of New South Wales Legislative Assembly, 1893.
80. Cth. P.P., No. 43, 1903.

British Attitude in 1888 *to the Chinese Question in Australia.*

There are one or two aspects of this period at which it may be of interest to glance. There had been a feeling among a large section of the colonists in New South Wales that Britain had been indifferent to the Chinese question, a question which to them had seemed of vital importance, that she had indeed adopted a policy of "masterly inactivity," believing that the feeling in Australia was uncalled for and would pass away.[81] The belief in Britain's lack of sympathy aroused resentment, and in the excitement of the moment some hasty and unwise words were spoken.[82] But, said Lord Knutsford, the Secretary of State for the Colonies: "Speaking for Her Majesty's Government, I desire to express our sympathy with the views and wishes of our great Australian Colonies, our sense of the importance of the question, and our hope that we may arive at a speedy solution of it."[83] "The Government," he declared, "are as anxious as any of the Colonial Governments to secure that proper checks shall be put upon this Chinese immigration, and proper precautions taken to prevent these Colonies from being swamped by it."

On what was based the charge of indifference? Mainly, it seems, on the slowness of Britain to acknowledge New South Wales' communication of 31st March, and to announce her intended course of action. Now, the British circular telling of China's protest was sent to the Colonies on the 23rd January, and was received by them on the 10th March. Three weeks after its arrival, New South Wales replied by a cable which reached the Colonial Office on the 2nd April. New South Wales' answer and a further communication from Lord Carrington on 3rd April were acknowledged on 13th of that month. In this acknowledgment, the Secretary of State for the Colonies said that the subject was being considered. The replies of the other colonies were not telegraphed, and were received very much later. The

81. "I venture to say that a few other masterful displays of indifference like this on the part of the Secretary of State would do much more than serious occurrences to sap the loyalty of these Colonies." (Sir Henry Parkes in Legislative Assembly, 16/5/88, Parl. Debates, 1887-8, Vol. 32, p. 4785).

82. At various meetings, wild statements like "cutting the painter," and so forth, were made. See also extravagant language of Parkes in Legislative Assembly, Parl. Debates, 1887-8, Vol. 32, p. 4785.

83. Speech in House of Lords, Hansard, 1888, Vol. 325, p. 1517.

first of these, for instance, arrived at the Colonial Office on the 5th May, and the last (excluding that from New Zealand) as late as 7th June.

New South Wales had said in her *reply* that legislation would be necessary if there were "long delay" and "if protection cannot be afforded us as now sought." But before Britain could be in a position to open negotiations with China, as New South Wales requested, or even to decide on any definite course of action, she needed to know the wishes of all the Australian Colonies on the matter, wishes that would have to be moulded to some uniformity applicable to the whole of Australia—a treaty could not be made for the requirements of one colony only. It has been seen that Britain was not in possession of these views till June. Towards the end of April, too, the Government of Victoria asked the British authorities to come to no decision unfavourable to the treaty plan before important despatches from Victoria which were then on their way, were received.[84] Lord Knutsford promised to await the despatches before coming to any decision.[85] Within the next few days Chinese were, by the authority of the Executive alone, excluded from both Victoria and New South Wales, and a fortnight afterwards a Bill of the severest character was passed through the Legislative Assembly of New South Wales—scarcely a favourable prelude to the opening of negotiations.

Lord Knutsford, indeed, need not have delayed, as he did, between two and three weeks before he answered an appeal from the Government of New South Wales as to the truth of the cables which had appeared in the Colonial newspapers. But it is hardly likely that the British Government realised, till the introduction of New South Wales' hasty legislation on the 16th May —almost a week after (11th May) their denial of the sentiments expressed in the cablegrams—the sudden panic caused by the arrival of some Chinese in Sydney. At the Intercolonial Conference held in London the previous year, the Australian delegates do not appear to have even mentioned the subject of Chinese immigration. The telegram that asked about the truth of the cables, stated that, *if* they were true, restrictive legislation would be necessary.

84. No. 13 of Br. P.P., Cd. 5448.
85. No 14 of ibid.

Only after the Conference in June was Britain in possession of all the data necessary to enable her to shape her course of action, and to accede to the request of the colonies that she should try to make an arrangement with China for the restriction of emigration to Australia. A week after this data was received at the Colonial Office, Lord Salisbury sent the gist of it to Britain's representative in China, and instructed him to open negotiations.

There seems no reasonable evidence of the indifference or disinclination to carry out the deliberate wishes of the Australian people attributed to the British Government of this period by some even of the present day.[86] On the contrary, the Premier of Queensland in 1888, seems to have accurately described their attitude. "It is plain," he said, "from the correspondence between the Home Government and the different Australian Colonies, that the English Government did everything they possibly could to satisfy our requirements on the Chinese question, and have proved up to the present time thoroughly in accord with us, and almost too anxious to meet our wishes."[87] It seems to have been only by contrast to the unusual ferment and impatience of New South Wales that Britain appeared indifferent or deliberately slow to act.

In another matter, the Australian Colonies perhaps had some just cause for complaint against Britain. Much of the Chinese emigration to Australia seems to have come from the Crown Colonies in the East. Some years before this period, Sir John Pope Hennessy, Governor of Hong Kong, had tried to restrict it from that colony, but local interests in the passenger trade had been too strong, and Downing Street had disallowed his Ordinance.[88] The colonists felt, with some reason, that Britain had been more considerate of her merchants in the East than she had been of their interests. On the other hand, it should be remembered that the British Government stopped Chinese emigration from these colonies to Australia when the Conference requested her to do so.

An interesting and instructive feature of this period is the

86. "The Problems of the Pacific" (1919), pp. 54 and 55, C. B. Fletcher.

87. Mr. McIlwraith, in Queensland Legislative Assembly, Parl. Debates, 1888, Vol. 55, p. 237.

88. See Sir J. Pope Hennessy's article on the Chinese question in Australia in the "Nineteenth Century Magazine," 1888; see also article on same in "Quarterly Review" of July, 1888.

full and carefully-considered statement by the various Australian Colonies of the reasons for their adoption of their Chinese policy. In their replies to Britain's circular of the 23rd January, they naturally stated their case as forcibly as they could. But since their arguments are similar to those urged before by the colonists, though with less conciseness and clarity, it may perhaps be better to consider later on, and as a whole, Australia's reasons for her policy.

SECTION III.

ASIATIC IMMIGRATION AND THE POLICY IN ITS PRESENT FORM.

Chapter 5.—THE POLICY IN THE NINETIES.

The development of the White Australia policy became complete during the ten years, 1891-1901. Hitherto the policy had been concerned only with the preservation of Australian society from what were believed to be the evils connected with a fairly large Chinese element in the community. Now it expanded to include immigrants from all peoples whose presence was, in the opinion of Australians, injurious to the general welfare. The young Australian nation, which found embodiment in the Commonwealth of Australia in 1901, asserted its Monroe Doctrine—the right of self-realisation unhindered by counteracting influences due to the presence of immigrants of different traditions and ideals. "A White Australia"[1] became the watchword—a phrase apt to convey a wrong idea of the reason why the policy was adopted.

The adoption of this policy meant the exclusion from Australia of certain British subjects—the Indians. It meant, too, the exclusion of the coolie class of the Japanese people, a people with whom Britain was at the end of the period now under consideration to ally herself.

Till the nineties, Australia had no need to consider the formation of so comprehensive a policy. The immigration of Asiatic peoples other than Chinese had been very small. Very few Indians, for instance, found their way to the Southern Continent. The east of Africa had for long been the emigrating ground for Mohammedan Hindoos. The others who formed the vast majority seemed to have very little desire to leave their own country. Their emigration to Australia before the barriers were raised was then almost negligible.

During the second half of the century, the introduction of

1. One finds this phrase frequently used as early as 1896 to denote the Australian policy.

indentured Indian labour was several times seriously considered by Queensland and South Australia, faced as they were with the problem of the development of vast tropical areas by a people accustomed only to temperate zones. It has been seen that a few coolies had been brought to Australia by private employers at the end of the thirties, but that the shortage of labour, not the difficulties of tropical and sub-tropical development, had caused the introduction of these workmen. It has also been noticed that the authorities in India at first forbade the recruiting of coolie labour for service outside India, but that it was later allowed to the British Crown Colonies in the tropics, and to a limited number of foreign places. Some abuses were inseparable from a system which amounted to the use of a numerous and cheaply remunerated race for the profit of peoples more advanced industrially and commercially. But the authorities in India provided safeguards as stringent and as far-reaching as it was possible to make them. There were two chief safeguards—first, the requirement that the Government of a Colony indenturing labour should be responsible for the introduction and treatment of the Indians during their period of service; second, the appointment of a Protector thoroughly acquainted with the language, the social customs and the character of the coolies, a Protector who should watch over their welfare, and who, though paid by the Government of a colony requiring the services of these coolies, should be responsible to the Indian Government.

The reason why Indian contract labour was not brought to Australia during the second half of the century was the unwillingness of the Governments concerned to be responsible for such immigration. Their unwillingness was due to the same causes as made the Queensland Government hesitate to have anything to do with the importation of Chinese labour even before Chinese immigrants began to flock to their goldfields. It was due partly to the expense of such an undertaking, since the number of settlers that required such labour was comparatively small, and partly to the quickly growing democratic opposition to the introduction of cheap labour of any kind.

Indian Labour Considered With a View to Its Introduction Into Tropical Australia.

From the sixties dates the consideration of Indian coolie

labour as a means for developing the warmer regions of Australia. In 1862, the year before South Australia saddled herself with the problem of the Northern Territory, Queensland was scanning possible sources of labour with which to conquer her rich coastal lands. The strong feeling excited by the presence of Chinese in New South Wales and Victoria caused her to glance only very cursorily towards the Celestial Empire. The Legislature passed an Act[2] in 1862 giving the force of law to regulations which the Government might issue for the introduction and protection of labourers from India. The Government in India showed themselves willing to meet Queensland half-way. But after all nothing was required of them. British emigration was at this time flowing rapidly into the colony, and the discovery of the value of Pacific island labour put an end to the plan.

It was revived once again in 1874. But faced with the demand of India that the accredited Queensland agent be paid a fixed Government salary, and faced also with the practical certainty of a reduced European immigration because of the dislike for coolie competition, the Queensland Government refused to proceed further in the matter.

South Australia and Western Australia.

At this time South Australia, too, was enquiring carefully into the conditions under which such labour could be obtained for the Northern Territory.[3] But the employers shrank from guaranteeing the expenses which the many safeguards insisted on by the Indian authorities involved, and which the South Australian Government was not inclined to bear for them. Strangely enough, the Crown Colony of Western Australia was this same year making the same enquiries as her neighbour South Australia.[4] She, too, rejected the plan of getting this labour because of the expense it would involve.

Queensland's Negotiations with India in 1882.

In 1882, Queensland seemed at last resolved to put the plan into operation to assist her expanding sugar industry. Mr. (afterwards Sir) Thomas McIlwraith, the Premier, entered into

2. 26 Victoria C. 5.
3. South Australian P.P., No. 61 of 1875 (See V. & P. of that year).
4. West Australian Parliamentary Paper, No. 4 of 1874, V. & P. of that year.

long and painstaking negotiations with India for the formulation of comprehensive regulations under which coolie emigration to Queensland could be carried out.[5] So that the minutest details could be arranged, a representative of the Queensland Government (Mr. O'Rafferty) went to India. All the requirements of the Indian authorities seem to have been acceded to.[6] An attempt was made to meet the chief objections raised to the introduction of this labour, by limiting its use to tropical agriculture, and by stringently providing for the return of the coolies. It seemed now that the Government had only to promulgate the regulations, and under the provisions of the Act of 1862 the emigration could be set in motion. The planters were jubilant. But the feeling aroused in the Colony by the proposed importation of any form of Asiatic indentured labour forced the Government to attempt to allay it by passing a short Bill which required any regulations concerning Indian immigration to be approved by Parliament before they were put into operation. Then, just as arrangements with India were finalised, came a change of Government. "I have to inform you that it is not the intention of the present Government of this Colony to bring to Parliament for its approval any regulations for the introduction of Indian immigrants," at once wrote the new Premier, Mr. S. W. Griffiths, to the authorities in India. "I have to express my regret that the Government of India have been put to such trouble in connection with the matter."[7]

To prevent any future Government from trying to introduce coolie labour through a temporary majority in the Queensland Parliament, the Liberal party attempted to repeal the Indian Act of 1862, but the Legislative Council threw out the Bill. However, seizing on the tide of public feeling rising against the use of coloured labour because of the New Guinea scandals,[8] the Liberals in 1886 carried out their resolution to remove this Act from the Statute Book.

After 1884 the sugar growers were threatened with the collapse of the Kanaka system. At the same time there was great

5. Colonial Secretary (Mr. McIlwraith) to the Government of India, Queensland V. & P., 1882, Vol. II., p. 543.

6. Mr. McIlwraith, however, afterwards denied that this had been done—see his manifesto (election) issued 1888—Appendix B. in "The Australians," by Francis Adams.

7. Mr. S. W. Griffiths, 13/12/83, Queensland V. & P., 1883-4, p. 1423.

8. See Chapter 7.

depression in the sugar market. This had been brought about chiefly by the over-production of beet sugar in Europe—an industry that had been fostered by bounties. The Queensland planters had been prepared to guarantee the payment of all expenses incurred by the Government in bringing coolie labourers to the Colony. Now that the plan was once more put aside, they made a last attempt to gain permission to bring them by private enterprise. If the planters could induce the Indian Government to allow them, as individuals, to introduce coolies, would the Queensland Government place any obstacles in the way, asked some of the sugar growers in desperation. The Government certainly would do so—indeed, they warned India that such a concession would be regarded as an unfriendly act.[9] India, however, had no intention of acceding to such a request.

Relation of Coolie Question in Queensland to Separation Movement.

Some of the disappointed would-be employers of Indian labour then supported with all their might the Separation movement which aimed at making Northern Queensland into a separate Colony, a movement which seems to have been slowly growing in strength almost from the time that the Colony became self-governing. But they showed too plainly their reason for supporting this political movement,[10] thus indirectly aiding their opponents, and sowing distrust among the separationists. The people who wanted separation, the political unionists at once declared, were the people who denounced the amended rules drawn up with the object of protecting the Kanakas as "cast-iron regulations" which they declared were "harassing and strangling the sugar industry."[11] They pointed out that such a northern Colony could not be democratic, for the employing class would rule the employed. Let all who enter the Northern State—should it be formed—abandon hope of a European civilisation.[12] The Queensland Northern Separation League felt called upon to repudiate the motive attributed to it. It reminded the

9. S. W. Griffiths. 30/9/84, V. & P., 1884, Vol. 2, p. 929.

10. Enclosure in Despatch from Secretary of State to Governor of Queensland, 28/1/85, Queensland V. & P., Vol. I., p. 378.

11. Memorandum by S. W. Griffiths, 1/4/85, Queensland V. & P., 1885, Vol. I., pp. 378-9.

12. Ibid.

colonists that the question of the introduction of coloured labour had already been settled in the negative by the action of Parliament in 1885, in setting a time limit to the introduction of Kanaka labour, and in repealing the India Act of 1862. However, it was not till the workmen of the north felt sure of their numerical strength, that they gave the Separation movement their whole-hearted support.

The coolie question was not again re-opened in Queensland. And the acquiescence of the two main political parties in the renewal of Kanaka labour in 1892 ended the bitter political strife that had raged for 20 years over the question of coloured labour.

South Australia.

At the same time as the Queensland planters were making their last fight for the introduction of coolie labour, South Australia was again making efforts to obtain it. Repeated applications had been made to the Government for aid in procuring labour for the production of sugar, rice and coffee in the Northern Territory. The Government was anxious that the North should be developed, so that it should be less of a burden on South Australia proper. They were convinced that this could be done only with the help of coloured labour.[13] But they knew that Indians could be indentured only for agricultural work—Chinese, then, must be encouraged to come for work in the mines.[14]

So the Northern Territory Immigration Bill was passed in 1879.[15] It was duly communicated to the Indian Government by Britain. But, like the proposed regulations of Queensland, the South Australian Act did not provide for some of the safeguards which the Indian Government regarded as absolutely necessary, and the matter was suspended for some little time. Then, when the representative of Queensland was in India for the purpose of negotiating amendments in that colony's regulations so as to make them satisfactory to the Indian Govern-

13. See speech of Thos. King, South Australian Parliamentary Debates, 1879, p. 1249.

14. Speech in Legislative Assembly (South Australia), by J. L. Parsons, Minister for Education (and for administration of Northern Territory), Parliamentary Debates, 1882, p. 69.

15. 43 Victoria C. 163.

ment, there went with the same object Major Ferguson from South Australia.[16] The results he achieved proved satisfactory. Provisions of the most elaborate and detailed kind which had been agreed to by India were sanctioned by the South Australian Legislature in 1882.[17] After all this had been done, the would-be planters demanded that the authorities should not only introduce the Indians at the Government's expense, but should guarantee steady employment for them; they, on their part, would use them when they needed them, but would only pay them for the time they actually worked for them.[18] The Act, therefore, remained inoperative.

The year 1890 was the last time that South Australia seriously considered the subject of Indian immigration. After the Queensland Parliament had passed legislation for the purpose of bringing the Kanaka labour system to an end in 1890, some of the sugar growers of that colony contemplated removing their mills to the Northern Territory, and continuing their sugar growing there if a supply of coolie labour could be guaranteed to them for a certain number of years. In 1890 an Act amending the 1882 Indian Act was passed, which provided for the appointment of the Government Resident in the Northern Territory as the Indian Immigration Officer. But the Indian Government insisted on their rule that the Protector must be responsible to them.

It was, however, unlikely that the importation of coloured labour would in any case have been carried out. The party opposed to its introduction was now strong in South Australia, and their views were ably maintained in the Legislative Assembly, especially by Mr. C. C. Kingston.[19] In view of the excited feeling a few years before over the question of Chinese immigration, the South Australian Government, too, felt dubious whether relations with the other colonies might not become strained if they introduced Indians, and they hesitated to take any action that might diminish the growing desire for the federation of the Australian Colonies. So in 1892 they proposed that a

16. South Australian Parliamentary Papers, No. 42 of 1882.

17. 45 and 46 Victoria, No. 240.

18. "Labor and Industry in Australia," Vol. III., pp. 1314-5, Sir T. Coghlan.

19. See Mr. Kingston's speech, South Australia, Parliamentary Debates, 1892, p. 1270.

conference be held to consider the question of the introduction of coloured labour to tropical Australia.[20] But the Queensland Government, rather shamefaced and on the defensive because of the renewed Kanaka immigration, did not see why they should submit such a question to the judgment of colonies that had no problems connected with the development of tropical regions to solve.[21] In their opinion it was a question for the Australian Parliament to decide when the colonies federated; but till then, each colony should do in the matter what it thought best—a different view from that held by the colonies, Queensland amongst them, when Western Australia sought a few indentured Chinese in 1880. Western Australia was influenced by Queensland's attitude, and expressed her concurrence with it.[22] So nothing further was done.

Up to the eighties, then, the South Australian colonists appear to have been almost unanimously of opinion that coolie labour was indispensable for the development of the Northern Territory. From that time till 1890 a feeling prevailed in favour of Indian coolies, though the section desiring the introduction of Asiatic labourers was powerful enough to secure the free entry of Chinese up to 1888. A year or two thereafter, although they could see no solution of the problem of the development of the Australian tropics, in deference to general Australian opinion the authorities declined to consider any further the introduction of cheap alien labour. The question of the development of the Northern Territory thus stood over till Australian as a whole was ready to take it up (1911).

After 1874, the colonists of Western Australia seem at no time to have considered the question of introducing Indian coolie labour. Leave was indeed given to individuals by the Contract Labourers' Registry Act to introduce indentured labourers from Asia and Africa, but since the authorities in India required Government supervision and protection of the coolies, the Act was inapplicable to Indians.

20. Correspondence on proposed conference, Queensland V. & P., 1892, Vol. II., p. 839.

21. "On behalf of Queensland, we must definitely decline to submit the deliberate judgment of the Parliament of this Colony to the review of representatives of the Governments of other Colonies, and we cannot take part in any conference at which such action is proposed to be taken," (Mr. S. W. Griffiths, ibid).

22. Sir J. Forrest, 10/6/92, Queensland V. & P., 1892, Vol. II., p. 839.

Asiatic (Other than Chinese) Immigration to Australia.

During the nineties a new phase of Asiatic immigration presented itself to Australia. A tiny stream of unsought Indians began to trickle to the Southern land. In 1891, for instance, there were found to be in New South Wales 2503 Asiatics other than Chinese, and of these 2105 were British subjects, 1800 being Indians. By 1901 there were in the Commonwealth 4383 Hindoos and other races of British India and Ceylon.[23] Syrians and Afghans also began to put in an appearance. These immigrants showed less tendency than the Chinese to congregate in the larger towns. The coming of a few Japanese, too, set the colonists pondering.

The desire that the immigration of all non-European races should be restricted soon showed itself. The growing class consciousness in Australia—an inevitable feature in the development of a democracy—and the consequent accentuation of class feeling, caused some of the workers to believe that many of the Asiatics were brought under contract to work at wages which altogether precluded the possibility of competition with them by "whites."[24] This was certainly true of a limited number of contract immigrants who were brought into Queensland and Western Australia chiefly for work in the tropical and subtropical parts of these colonies. The Governments of the Australian Colonies were accordingly urged, especially by the country centres, to prevent the coming of these people, in accordance with the principle of checking undesirable immigration affirmed by the Chinese Bills of 1888.[25] In 1896, the residents of Palmerston (Northern Territory) met and protested against what they believed was a proposed settlement of Japanese on the Victoria River.[26] There proved to be some foundation for their belief. For, in 1896, Sir E. Satow, the British Minister in Japan, informed the Foreign Office that negotiations were on foot to induce Japanese capitalists to buy land on the Victoria River, and to get them to send a large number of Japanese settlers

23. Commonwealth Parliamentary Papers, No. 43, 1903.
24. Petition from Dubbo, New South Wales, V. & P., 1893, Vol. II., pp. 1131-33.
25. See, for instance, petitions from Orange, Molong, etc. (20 petitions), New South Wales, V. & P., 1894, Vol. III., pp. 1295-1309.
26. "Sydney Morning Herald," 20/6/96.

thither.[27] He notified the Governor of South Australia to the same effect, and informed the Japanese authorities of a pending restrictive measure in South Australia. It appears that Mr. J. Langdon Parsons,[28] who at this time was acting as Consul for Japan in Adelaide, had been authorised by certain private owners of land on the Victoria River to sell their property while he was on a visit to Japan. He denied that there was any intention of inducing many Japanese to go to the Northern Territory —the land he proposed to sell was not extensive.[29] Still, it seems unlikely that the British Minister in Japan would have taken the steps he did unless he had some reason for believing that the sales were to be fairly large.

Restriction of Non-European Immigration Resolved Upon.

The restriction of Asiatic immigration generally was occasionally mooted in the Parliaments of the Australian Colonies after 1893. The idea steadily gained ground that it would be wise to restrict the immigration of all peoples who for any reason—social, political, industrial—would not form a desirable element in the community. By 1896, the Governments of the Australian Colonies had decided to give effect to the general wish. There was no urgent need for immediate measures. But in such a matter it was believed that prevention was better than cure. The colonists knew that from countries where wages were low there would be a constant leakage by every line of steamers to Australia which would seem to the labourers, by comparison, a working man's paradise. They came to the conclusion that it would be better for themselves, for the Empire, and for the countries from which these people emigrated, to state frankly and at once their resolve to receive no peoples who in their opinion would hinder their national development along their own lines. In the words of Mr. (afterwards Sir) George Reid, it seemed an "infinitely more humane policy than that of allowing tens of thousands of people from these coloured races to drift

27. Commonwealth Parliamentary Paper, A15, 1901-2, Vol. II.

28. This South Australian was very conversant with the Northern Territory. As a member of the South Australian Government he had, in the early eighties, been responsible for its administration. Later on, he became Government Resident there. For years thereafter he was one of the two representatives of this Territory in the South Australian Legislative Assembly.

29. Commonwealth Parliamentary Papers, No. 33, 1901-2, Vol. II.

into this country, innocently and according to law, in order that from the contact between the white and the coloured races here all sorts of evils, all manner of dissensions, and perhaps a great deal of bloodshed might ultimately follow, embroiling this, and perhaps the mother country, with these great populous nations of the East.'' [30]

The colonies were at this time the more alive to the possibility of imperial and international embarrassments arising from the effect of unregulated Asiatic immigration, because of happenings in the East. Japan had shown by her victory over China that she would, in future, probably be a force to be reckoned with politically. And would not China, humiliated to the core by her defeat at the hands of the Japanese, throw off the lethargy that had seemingly bound her energy for so long, and, taking a leaf from her little neighbour's book, set to work with a will to make up for lost time?

Intercolonial Conference of 1896.

Taught by their experience the only effective way of coping with the Chinese difficulty, the colonies sought to take concerted action in dealing with Asiatic immigration. The Premiers of the various colonies, therefore, met in conference at Sydney in March, 1896. They resolved to extend without delay the provisions of the draft Restriction Bill of 1888 ''to all coloured races,'' [31] and to alter no part of it except Section 15, which precluded its application to British subjects. The representatives of Queensland, who, it may be noted, did not include the Premier of that Colony, desired to add that they assented to this resolution of the Conference, subject to the right of continuing for the present the Pacific Island Labourers' Act of Queensland.

Non-Adherence to Anglo-Japanese Alliance Decided Upon.

At the same conference, the delegates considered the attitude that the Australian Colonies should adopt towards the Anglo-Japanese commercial treaty of 1894. In this treaty, Britain had taken care that there should be no room for any

30. Mr. G. Reid (Premier of New South Wales) in Legislative Assembly Parliamentary Debates, 1896, Vol. 85, p. 3948.

31. See proceedings of Conference, South Australian Parl. Papers, No. 38, V. & P., 1896, Vol. 2. See also explanation by Mr. C. C. Kingston, Premier of South Australia, in Legislative Assembly, Parliamentary Debates, 1896, p. 658.

possible misunderstanding with Japan, as there had been with China, concerning the application of the provisions of the treaty to the self-governing colonies. The treaty gave full liberty to the subjects of either Empire to enter, travel and live in any part of the other signatory's territory, and it gave a guarantee of full protection for their persons and property.[32] But, by Article 19, the stipulations of the treaty were not to apply to Britain's self-governing colonies unless they wished, and unless they intimated such wish within two years from the date of its ratification. The delegates at the Sydney Conference unanimously decided not to adhere to the treaty.

Extension of Restrictive Principle to All Asiatics Meant Establishment of Distinction Between Immigrant Subjects of Empire.

The resolution of the Conference to exclude all Asiatic immigrants under the restrictions so far placed only on Chinese coming to Australia, was the declaration of a principle hitherto almost unrecognised in the Empire—the establishment of a distinction between immigrant British subjects. Under the Chinese Restriction Acts, British subjects were exempt from its provisions except in South Australia. Now Australia's policy was to be extended to restrict immigration from a part of the Empire—India. Without this extension, it was felt that the policy adopted might in future prove of little use for the preservation of the existing national character of Australian society.

In accordance with the resolution of the Conference, New South Wales, South Australia and Tasmania at once passed "Coloured Races Restriction and Regulation" Bills, which excluded native inhabitants of Asia, Africa and the Pacific Islands.

Reservation of Colonial Bills.

These Bills were all reserved. Considering what was involved in these Acts, the Colonial Governments expected this course. They felt no misgiving, however, that Britain would refuse to sanction the principle contained in them, even though she might require some alteration in the method of its

32. See Article 1 of Treaty with Japan, July, 1894, State Papers, Vol. 86, 1893-4.

application.[33] The colonists themselves were by no means unanimous as to the best method of applying the restrictive principle.[34]

The British authorities seized the opportunity afforded them by the arrival of Colonial representatives in London for the Queen's Diamond Jubilee celebrations in the following year to explain the reasons for the suspension of these colonial Acts.

The Reason Explained by Mr. Chamberlain in 1897.

The dignity and splendour of the Indian princes assembled on this occasion to do honor to their Empress, helped to drive home the remarks of Mr. Chamberlain, the Secretary of State for the Colonies, concerning Indian emigration to the self-governing parts of the Empire. The attitude of the British authorities to the declared policy of the Australian Colonies was very conciliatory. This was to be expected, especially at this time, since Mr. Chamberlain was an ardent Imperialist. He recognised the impossibility of free movement within the Empire, in view of the different nationalities included therein. But naturally he wished for the utmost friendliness to prevail between them—a friendliness which was only possible when all due respect was courteously paid to each other's national susceptibilities and rights. His speech[35] to the Australian representatives set forth clearly the British Government's attitude to Australia's policy. At the same time, it shows the objections they felt to the method of restriction adopted, and their proposed substitute for it. The importance of the speech warrants its quotation almost in full.

> "I have seen these Bills," he said, "and they differ in some respects one from the other, but there is no one of them, except perhaps the Bill which comes to us from Natal, to which we can look with satisfaction. I wish to say that Her Majesty's Government thoroughly appreciate the object

33. See, for instance, speeches by Messrs. G. H. Reid, J. H. Want, R. E. O'Connor, in New South Wales Legislature, Parl. Debates, 1896, Vol. 85, pp. 3971, 4870, 4770 respectively.

34. Some wanted a treaty, others thought the whole matter should be deferred till the Federation of the Colonies took place, an event that loomed close—the Australian people could then speak on the subject with one voice.

35. See R. Jebb's "The Imperial Conference," Vol. 1, pp. 328-9; A. B. Keith's "Responsible Government in the Dominions," Vol. II., pp. 1080-2; British Parliamentary Papers, C. 8485, Accounts and Papers, Vol. 59, 1897, Memorandum of Proceedings of Conference between Secretary of State for Colonies and Premiers of self-governing Colonies; copious quotations from it by Mr. Barton and Mr. Deakin in Debates on Immigration Restriction Bill in House of Representatives (Federal Parliament), 1901.

and the needs of the Colonies in dealing with this matter. We quite sympathise with the determination of the white inhabitants of these Colonies, who are in comparatively close proximity to millions and hundreds of millions of Asiatics, that there shall not be an influx of people alien in civilisation, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of that kind must, I quite understand, in the interests of the Colonies, be prevented at all hazards, and we shall not offer any objection to the proposals intended with that object.

"We ask you also to bear in mind the traditions of the Empire, which make no distinction in favor of or against race or colour, and to exclude by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects and even all Asiatics, would be an act so offensive to those people that it would be most painful, I am quite certain, to Her Majesty to have to sanction it.

"Consider what has been brought to your notice during your visit to this country. The United Kingdom owns as its brightest and greatest dependency that enormous Empire of India with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves; and among whom there are hundreds and thousands of men, who are every whit as civilised as we are ourselves; who are, if that is anything, better born, in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such for instance as on the occasion of the Indian Mutiny, saved the Empire by their loyalty. I say, you who have seen all this cannot be willing to put upon these men a slight which is absolutely unnecessary for your purpose, and which would be calculated to promote ill-feeling, discontent and irritation, and would be most unpalatable to the feelings not only of Her Majesty the Queen, but of all her people.

"What I venture to think you have to deal with is the character of the immigration. It is not because a man is of different colour to ourselves that he is necessarily an

undesirable immigrant, but it is because he is dirty, or he is ignorant, or he is a pauper, or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. Well, gentlemen, this is a matter, I am sure, for friendly consultation between us. As I have said, the Colony of Natal has arrived at an arrangement which is absolutely satisfactory to them . . . . . and to which the objection I have taken does not apply . . . . I hope, therefore, that during your visit it may be possible for us to arrange a form of words which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it will amply protect the Australian Colonies against any invasion of the class to which you would justly object."

The Natal Method of Restriction.

The method of restriction embodied in the Natal Act was an education test. Thus it included in the category of prohibited immigrants any person who, when asked to do so, failed to write out and sign in a European language an application to the Colonial Secretary in a form set out in the Schedule to the Act.[36] This Act, unlike those in the Australian Colonies, was not discriminatory in form—it was of universal application. It appeared to be an Act, then, to which no country could take exception on behalf of its subjects. Moreover, it could be made to restrict in a prohibitive or in a moderate way just as was found to be necessary. This could be effected by varying the nature of the education test, and the amount of discretion given to the officer administering it. These two merits, its universal nature and its elasticity, the British authorities did not omit to point out to Australia.[37]

Britain was the more anxious that the colonies should adopt this method of restricting undesired immigration, because Japan expressed herself satisfied with it.[38] This country had

36. See article, "The Imperial Problem of Asiatic Immigration," R. Jebb, Journal of Society of Arts, Vol. LVI., April 24th, 1908.

37. Commonwealth Parl. Papers, No. 41, 1901-2, Vol. II., p. 845—Despatch, 14/5/01, to Earl Hopetoun, enclosing Despatch to Queensland Governor, Lord Lamington, 14/5/01, detailing reasons for vetoing Queensland's Sugar Works Guarantee Bill of that year.

38. Despatch from Mr. Chamberlain, 20/10/97, to Governor of South Australia, Ibid.

protested vigorously and repeatedly against the Colonial legislation of 1896.[39] She objected to it chiefly because the colonies placed her indiscriminately among "the coloured races," which she regarded as a national insult. "The point which had caused a painful feeling in Japan was not that the operation of the prohibition would be such as to exclude a certain number of Japanese emigrants from Australia, but that Japan should be spoken of in formal documents, such as Colonial Acts, as if Japan were on the same level of morality and civilisation as Chinese or other less advanced populations of Asia; the relief which they desired was not the modification of the laws by which a certain number of the Japanese population were excluded from Australia and New Zealand, but the abandonment of the language test which classed them with others to whom they bore no real similarity, and inflicted upon the nation an insult which was not deserved."[40]

Though Japan gave Britain to understand that she would be satisfied if the Australian Colonies legislated on the lines of the Natal Bill, this country appeared to prefer an international arrangement in regard to immigration. For the Japanese Consul at Sydney assured the Government of the Colony that the Japanese authorities were ready at any moment to give "any assurance" or to enter into "any suitable arrangements" for controlling emigration to New South Wales.[41] He declared repeatedly that Japan did not wish to lose any of her subjects.

To sum up, Britain objected to legislation in the colonies, which excluded her own subjects and those belonging to foreign countries on what appeared to be grounds of colour and race. She objected to this, in the first place, because the attempt to exclude or to impose disqualifications on the basis of any such distinction was "contrary to the general conceptions of equality which have been the guiding principle of British rule throughout the Empire."[42] And in the second place, she objected because it was offensive to foreign people, and especially to the

39. Ibid; also speech by Hon. J. H. Want, in New South Wales Legislative Council, Parl. Debates, 1898, Vol. 92, p. 459.

40. Despatch from Mr. Chamberlain to Governor of South Australia, Oct. 1897, Cth. P.P., No. 43, 1901-2, Vol. II., p. 845.

41. Commonwealth Parliamentary Papers, No. 2, 1901-2, Vol. II.

42. Despatch from Mr. Chamberlain to Governor of South Australia, October, 1897, Commonwealth Parl. Papers, No. 41, 1901-2, Vol. II., p. 845.

Japanese with whom she was anxious to remain on friendly terms.

Some of the Colonies at Once Comply with Britain's Wishes.

Most of the colonies were willing to meet Britain's wishes. In compliance with them, New South Wales, Western Australia and Tasmania restricted the immigration of undesired peoples by a language test. New South Wales' Bill provided that the education test should be given in a "European language," and that of Western Australia, in the "English" language. To prevent any evasion of the test by the presentation of an application written in a purely mechanical way without any real knowledge of a European language, the Act of New South Wales provided for a change in the form of application whenever it might be thought desirable.[43] The applicant, however, seems to have been able to choose the European language himself.[44] In Victoria, the two Houses of Parliament disagreed. Nothing further was done in this Colony—the matter was left for the prospective Federal Parliament to deal with. In South Australia, also, nothing was done.

Queensland Adheres to Anglo-Japanese Commercial Treaty.

Queensland followed a different plan altogether. Her Government revised the opinion expressed by their delegates at the 1896 Conference at Sydney. Instead of passing or attempting to pass legislation which, in effect, restricted the immigration of all Asiatics, this colony in 1897 adhered to the Anglo-Japanese Commercial Treaty of 1894, under a special protocol which permitted her to regulate the immigration of Japanese labourers and artisans if she so wished.[45] Japan at this time stated to Britain her willingness to admit any of the self-governing Colonies or Dominions to the advantages of the treaty on the same terms as she had admitted Queensland.[46]

43. Clause 3 of Act (No. 3 of 1898).

44. Mr. G. H. Reid, in Legislative Assembly of New South Wales, Parl. Debates, 1896, Vol. 91, p. 5069. Mr. E. Barton, however, said in the House of Representatives (Federal Parliament), 1901, that the words were dictated by an officer. If both statements were true, rather remarkable scholarship was required on the part of a Customs officer administering the Act, or else the applicant had necessarily to understand English as well.

45. Protocol signed 16/3/97, enclosure in Chamberlain's Despatch to Governor of Queensland, 18/6/97, Queensland V. & P., 1899, Session 1, Parliamentary Paper A5, p. 1303.

46. "Imperial Problem of Asiatic Immigration," R. Jebb, Journal of Society of Arts, April, 1908, Vol. 56.

For years before 1897 a small number of Japanese had been filtering into Queensland for plantation work. As early as 1884 some employers had sought to engage Japanese.[47] It will be remembered that this was the time when feeling on the coloured labour question in this colony was so bitter. At this time the Queensland Government had refused to sanction indentured Indian labour, and at this time the Legislature had decided to put an end within a few years to the importation of Kanakas. The Japanese authorities, however, sought information as to whether the colony was willing to receive such labourers, and whether the attempt to procure them was legal.[48] Needless to say, Queensland at this time gave no encouragement to the Japanese Government to facilitate such emigration.[49]

Restriction by Arrangement with Japan.

After this colony adhered to the Commercial Treaty of 1894, it did not pass legislation restricting Japanese immigration, although it believed itself competent to do so. By 1898, 3248 Japanese had come to Queensland, most of them indentured for work on sugar plantations. Japan showed herself willing to co-operate with Queensland for the restriction of the immigration of labourers and artisans. So an arrangement was made by which only such emigrants from the working classes as had passports previously approved by the Queensland Government were allowed to go to that Colony. At Japan's request, Queensland left the issue of passports to merchants and travellers entirely in that country's hands, so that there should be no delay which might interfere with business. By a law of 1896, Japan had made it compulsory for all labourers desiring to emigrate to a foreign country to obtain official permission to do so. The Government was thus in a position to restrict or to prohibit emigration to any country which did not wish to receive it, if they thought such action was expedient for reasons of foreign policy. By this means, Japan was able and willing to meet the wishes of Queensland.[50]

47. Japanese Consul at Melbourne to Colonial Secretary of Queensland, 9/1/85, V. & P., 1889, Vol. 3, p. 201.

48. Ibid.

49. Griffiths to Consul for Japan, Melbourne, 28/2/85. Ibid.

50. Queensland V. & P., 1899, Session 1, Parliamentary Papers A5, p. 1303. Later on, the wishes of United States and Canada were met in the same way.

Naturally there were some attempts on the part of emigrants to evade the arrangement made with Queensland. Thus, for instance, some Japanese came as merchants, bringing with them goods which, after their arrival, they promptly handed over to Japanese firms.[51] Others, again, came to Thursday Island for "commercial purposes," an elastic term which included laundry work, pearl fishing, indentured service under other Japanese and even cooking. Japan, however, dealt severely with evaders of her law, and faithfully carried out her part of the arrangement.

But the Japanese authorities firmly and vigorously protested when the Queensland Government in 1899 attempted to give to the policy of restriction a prohibitive character. The latter had stated to a Japanese agent who wished to bring contract labour for the pearl-fishing boats, that they were opposed to the introduction of Japanese labour of any kind. The Japanese authorities thereupon expressed their surprise that Queensland should regard the arrangement made as one permitting prohibition, an arrangement which, in their opinion, was one for restriction only.[52] They threatened to withdraw from the arrangement if Queensland persisted in this course; Queensland was fain to obtain Imperial aid for the tactful explanation of her position.[53] The difficulty was finally settled on the basis of a suggestion by Japan that the status quo be maintained—only those needed to keep up the number of Japanese then in Queensland to be in future allowed to enter.

It will be seen that at the end of the nineteenth century the position of affairs in Australia with regard to general Asiatic immigration was unsatisfactory. There was no uniform policy. All the Australian Colonies restricted Chinese immigration, but some still opened their doors to emigrants from all other countries, others practically prohibited the entry of all non-European newcomers, and Queensland restricted only immigration from Japan by means of an arrangement with that country. The

51. Colonial Secretary to Japanese Consul, 7/3/99, as for 50.

52. Japan disliked the application of the restrictive principle to her subjects only. "But if the intention of the Queensland Government is to make a distinction as regards Japanese subjects only, and subject them alone to this restrictive treatment, the Japanese Government must hesitate to further the wishes of that Government," they had written to Sir E. Satow, 15/6/99, Queensland P.P., A56 (V. & P., 1901, Vol. 4, p. 1121).

53. Lieut.-Governor to Secretary of State, 17/10/99. Ibid.

colonies that had passed no legislation had refrained from doing so primarily because they thought it far better that Australia as a whole should deal with it—they knew that the Commonwealth of Australia was on the eve of formation.

Chapter 6.—ADOPTION OF THE WHITE AUSTRALIA POLICY BY THE COMMONWEALTH.

The Policy and Federation.

The desire to guard themselves effectively against the dangers of Asiatic immigration was one of the most powerful influences which drew the Colonies together. Three times (1880, 1888, 1896) their representatives had discussed the subject at Intercolonial Conferences, with a view to the adoption of uniform measures. "No motive power," said Mr. Deakin, "operated more universally on this Continent, or in the beautiful island of Tasmania, and certainly no motive power operated more powerfully in dissolving the technical and arbitrary political divisions which previously separated us than the desire that we should be one people, and remain one people, without the admixture of other races."[1] Thus the budding nationalism of the people sought political expression in the formation of the Commonwealth of Australia, partly with the object of preserving that nationalism.

Accordingly, Australians decided that the Federal Parliament should have power, subject to the Constitution, to make laws for the "peace, order and good government" of the Commonwealth with respect to immigration and emigration;[2] the relations of the Commonwealth with the islands of the Pacific;[3] naturalisation and aliens;[3a] the people of any race other than the

1. Mr. Deakin, Attorney-General of first Federal Government, in House of Representatives. As early as the fifties the value of a Federal union in this connection was pointed out: "If the motion . . . . for a Federal union of the Australian Colonies were carried into effect, it would lead to arrangements which would prevent the surreptitious entrance of Chinese into any of the Colonies" (Mr. O'Shannassy, Victorian Parliamentary Debates, 1856-7; see also 1881 Victorian Parl. Debates, Vol. 38, T. F. Hamilton; many references in debates on Chinese Bills of 1888). "If the Federation of the Colonies was essential on any ground, it was in reference to this matter." (Mr. Homburg, in South Australian Legislature, 1896, Parl Debates, p. 137.) "What made the need of Federation apparent to the people of Australia? Was it not that, without some form of Federation, it was impossible to obtain that uniformity which was absolutely necessary in order to make their legislation effective?" (Senator Drake, Commonwealth Parl. Debates, 1901-2, Vol. 6, p. 7335).

2. The Commonwealth of Australia Constitution Act (63 and 64 Vict. C. 12), Chapter 1, Part V., Section 51, Sub-section XXVII.

3. Ibid, S.S. XXX.

3a. Ibid, S.S. XIX.

original race in any State for whom it was deemed necessary to make special laws.[3b]

Commonwealth Parliament Adopts Natal Method.

"A White Australia" was a much discussed question at the first Commonwealth elections. It was the foremost plank of the party first entrusted with the Government of the Commonwealth.[4] But all parties were equally determined to take measures for the preservation of a White Australia. Accordingly, during the first year of its existence, the Federal Parliament dealt with the Immigration Restriction Bill which embodied this principle.

Objections Raised.

Practically unanimous though the Australian Legislature was about the adoption of the principle of the policy, a good deal of discussion centred round the question of the method of its application. The British Government reminded the authorities in Australia of the inadvisability of specific legislation.[5] Some Australians felt doubtful whether an education test would be effective, although the authorities of Natal testified to its adequacy,[6] and the short experience of some of the Australian Colonies confirmed such testimony. Many objected to the Natal method, not only because they feared it would not be effective, but because they thought it was better to carry out their policy in a more direct fashion. It seemed to them that by the proposed method they sought to do "in a crooked and indirect way" what they ought to do "straightforwardly and honestly."[7] The Bill was therefore "a hypocritical measure"[8] which would achieve Australia's object by "a back-door method."[9]

3b. Ibid, S.S. XXVI.

4. Mr. Ronald, Commonwealth Parliamentary Debates, 1901-2, Vol. 4, p. 4805.

5. Despatch written to Queensland in 1901, and to South Australia in 1897, explaining Britain's objections to specific legislation, were sent to Lord Hopetoun, Governor-General of Australia (Commonwealth Parl. Papers, A23, 1901-2, Vol. II., p. 849).

6. Mr. Moore, Natal's representative at the celebrations in connection with the Commonwealth inauguration, told Mr. Barton that the Act was effective, but was adopted too late in his country. "My strong advice to you," he said, "is to legislate on the subject early. We have locked the stable door after the horse has gone out"—"after the wrong horse had gone in," amended Mr. Barton (Commonwealth Parliamentary Debates, 1901-2, Vol. 3, p. 3502).

7. Sir William MacMillan in House of Representatives, Commonwealth Parliamentary Debates, 1901-2, Vol. 4, p. 4625.

8. Mr. Higgins, Ibid, 4623.

9. Mr. Manifold, Ibid, 4663.

But on the whole it was felt to be wise to take advantage of the help and support which the Empire could give them in carrying out Australia's "Monroe" doctrine. When Britain, too, made "a reasonable request" in "a most reasonable conciliatory manner" to the people of Australia, it had to be taken into account.[10] Moreover, the representatives of the people felt that "considerations of common politeness, such as individuals extend to each other," should at least govern the actions of civilised nations in their dealings with one another.[11]

It was, then, an appreciation of the difficulties which its restrictive legislation might create for the mother country,[12] and a desire to wound as little as possible the feelings of excluded peoples, not any love for indirect methods, that led the Commonwealth to adopt this way of closing its gates. Australia's adoption of this method was a distinct concession to Empire.

The Commonwealth Immigration Restriction Act[13] prohibits the entry into Australia of any person who, when asked to do so, fails to write out at dictation, and sign in the presence of an officer, a passage of 50 words in length in a European language. Thus for a written application in a form prescribed in the Schedule, such as was required by the New South Wales Act of 1898, a dictation test was substituted. The elasticity of the method was thus increased, and any evasion of it by sham knowledge was made practically impossible.

The Act provided for the exclusion of other classes of immigrants besides those who failed in the education test. The young Australian nation took measures to ensure its social well-being by refusing to receive criminals, persons diseased in body or mind, those likely to be a charge on the public purse, and those who might be prepared to come under contract to work for

10. Mr. Deakin, Ibid, p. 4812.

11. Ibid.

12. Said R. E. O'Connor, Vice-President of the Senate: "I have no doubt that if ever the determined will of Australia were expressed, even if it should happen to be against Imperial interests, the Imperial Government would not hesitate to grant in reality the boon of self-government, and to assent to practically any legislation which Australia chose to send forward. But that is all the more reason why we on our part should take care not needlessly to place them in the position of having to exercise that power in such a way as would embarrass them. If we are to be treated generously, if we are to be treated not according to the forms of our Constitution, but according to that spirit which recognised freedom on our part to legislate as we think fit for ourselves, then, on the other hand, we should recognise in the same spirit of generosity the difficulties of the Empire." (Commonwealth Parliamentary Debates, 1901-2, Vol. 6, p. 7346.)

13. No. 17 of 1901, Clause (a) of Section 3.

wages which, in the Australian people's opinion, were insufficient to ensure social efficiency, and which would react injuriously on Australian employment. These restrictions applied to all would-be immigrants from any country. But it was stated by the Government, at the time the Bill was under discussion in the Federal Parliament, that the education test was to be given to emigrants belonging only to non-European peoples. And except in one or two isolated instances the test has never been applied to Europeans.

Japan and the Commonwealth Immigration Restriction Act.

The Japanese Government at this time "distinctly recognised" the right of the Government of Australia to regulate in any way they thought fit the number of immigrants who might enter and settle in Australia, and to draw distinctions between persons who could, and who could not, be admitted.[14] Japan herself exercised this right. By an Imperial Ordinance (No. 352 of 1899) permission had to be obtained from the Japanese administrative authorities before alien labourers could "reside and carry on business outside of the former settlements or mixed residential districts."[15] Japan made the regulation because in the nineties Chinese of the coolie class began to arrive in considerable numbers, especially in the south and central parts of the country. They could underlive and undersell the Japanese workers, just as these races could underlive and undersell workers of Australia. But Japan's Ordinance was of a general, and not of a special character.

Again, as in 1897, the Japanese authorities protested against being placed indiscriminately among "Kanakas, Negroes, Pacific Islanders, Indians, and other Eastern peoples." In their opinion, to refer to the Japanese, "whose standard of civilisation is so much higher," in the same terms as were used to denote these peoples—as some speakers during the discussion of the Immigration Bill did refer to the Japanese—was a "reproach hardly warranted by the fact of the shade of the national complexion."[16]

14. Mr. E. Eitaki, Commonwealth Parl. Papers, No. 2, 1901-2, Vol. II.

15. For an explanatory notification from the Japanese Home Office concerning this Ordinance, see footnote on pp. 109-10 of A. M. Pooley's "Japan's Foreign Policies."

16. Mr. E. Eitaki, Consul for Japan, Sydney, to Prime Minister of Australia, 3/5/01, Commonwealth Parliamentary Papers, No. 2, 1901-2, Vol. II.

The Japanese earnestly sought to be excluded from the operation of this Act, as the Europeans were. Repeated [17] communications were sent to the Prime Minister of Australia, Mr. (afterwards Sir) Edmund Barton, by the Japanese Consul at Sydney, urging that an arrangement with Japan be made for the restriction of Japanese immigration. "As Japan is under no necessity to find an outlet for her population, my Government would readily consent to any arrangements by which all that Australia seeks, so far as the Japanese are concerned, would be at once conceded," wrote Mr. E. Eitaki, in the same strain as to the Government of New South Wales in 1898. "Might I suggest, therefore," he continued, "that your Government formulate some proposal which, being accepted by my Government, would allow of the people of Japan being excluded from the operation of an Act which, directly or indirectly, imposed a tax on immigrants on the grounds of color." [18] Though preferring an agreement with Australia concerning immigration, Japan was prepared to accept the Immigration Restriction Bill in the original form in which it was presented to the Federal Parliament.[19] This provided for the education test to be given in English. In Japan's opinion, such a test would have placed her on the same footing as any European nation; on the other hand, an examination in a European language implied a racial discrimination. And to this she now strongly objected.[20]

The Australian Government made no effort to fall in with the wishes of Japan in 1901 for an agreement with her concerning the immigration of Japanese. They knew that in 1897 she had approved of their adoption of a general education test as a means of regulating immigration, and they appeared to think that such an assurance was sufficient warrant, as far as the wishes of Japan were concerned, for adherence to the Natal

17. The Japanese Consul made representations to the Prime Minister on the 11th, 16th, 18th and 20th September, and 15th October; letters were sent to the Governor-General on the 5th October and 15th November (See Senator Pulsford, Federal Parl. Debates, 1901-2, Vol. 6, pp. 7154-5, and Ibid, 1907-8, Vol. XLVI., p. 11486).

18. Mr. E. Eitaki, 3/5/01, Commonwealth Parl. Papers, No. 2, 1901-2, Vol. II.

19. Consul's letter quoted by Senator Staniforth Smith, Commonwealth Parl. Debates, 1901-2, Vol. 6, p. 7243.

20. "I have received a cable from His Imperial Majesty's Government, stating that they consider that the two Bills (the Immigration Restriction Bill and the Post and Telegraph Bill) clearly make a racial discrimination, and requesting us on that account to express to your Excellency their high dissatisfaction with those measures." To Governor-General.

method.[21] They knew, too, that an arrangement such as Queensland had made, recognised the principle of restriction only, and though it had been carefully observed by both sides, had occasioned a great deal of correspondence.[22] Australia at this time, thought it wise to keep wholly within her own hands her right of controlling immigration. Moreover, the negotiation of an agreement meant further delay,[23] and the Federal Government was anxious to complete the policy in its negative form at once. They could not gratify Japan's preference for a test in "English," for the Commonwealth Parliament had insisted on its alteration to a "European" language, lest the object of the Bill might be misunderstood in European countries, and the small emigration therefrom accordingly altogether checked.

Japan carried her protest to Britain, as she had told Australia she would be compelled to do if the latter declined to accede to her request.[24] She explained that she had not protested when the education test was adopted in two of the Australian Colonies, as well as in New Zealand and Natal, because "Japanese subjects do not sojourn much in these Colonies, and . . . . therefore, the Japanese Government have so far refrained from entering into any discussions which were of no practical importance."[25] The application of such a principle to all Australia, however, might prove an obstacle which would work to the "detriment of friendly and commercial relations between Japan and Australia."[26] She requested, therefore, that the Government of Australia be induced to modify the education test in such a way as to place the Japanese on an equal footing with European immigrants.

21. R. E. O'Connor, Commonwealth Parl. Debates, 1901-2, Vol. 6, p. 8304.

22. See Parl. Papers, Queensland, A5 of 1899 and A56 of 1901, Correspondence, etc., with Japan, to be found in V. & P., 1899, Session I.. p. 1303, and 1901, Vol. 4, p. 1121.

23. R. E. O'Connor, Commonwealth Parl. Debates, 1901-2, Vol. 6, p. 7347.

24. "If, in spite of all the representations that have been made on the subject, and the alternatives suggested, it should become clear that the Australian Government has decided to frame an Act specially directing its operation against a friendly nation, and without sufficient justification for so doing by any existing circumstances, it will be a necessity for my Government to make the strongest possible protest in the proper quarter" (quoted on p. 11486, Vol. XLVI., Commonwealth Parl. Debates, 1907-8). Japan, however, seems to have made representations to the Australian and to the British Governments about the same time. As early as July, Baron Hayashi (Japanese Minister in London) had communicated with the Marquis of Lansdowne (Foreign Office), concerning the proposed legislation in Australia (see Commonwealth P.P., A23, 1901-2, Vol. II., p. 849).

25. Baron Hayashi to Marquis of Lansdowne, 7/10/01, Commonwealth Parl. Papers, A23, 1901-2, Vol. II., p. 849.

26. Ibid.

The British Government definitely declined to ask Australia to modify the proposed law. They believed that the temper of the Australian people would not permit the Commonwealth Government to alter it in this way, even if the attempt were made.[27] Moreover, partly at Japan's request in 1897, Britain had induced Australia to legislate along the lines of the Natal Bill, and she therefore did not feel that she could now ask this Dominion to modify her legislation.[28]

Japan's keen dislike [29] of Australia's Restriction Bill found no further expression. This was perhaps due in some measure to the knowledge of her previous acquiescence in the education test as a means of restriction. But it was no doubt chiefly due to her need just at this time for an alliance with a nation of first-class rank, which would, as one writer has put it, "keep the ring," [30] while Japan tried conclusions with Russia, a country which she feared would not only monopolise the land and markets from which supplies for her future people must come, but which might even endanger her territorial security.

Amendments of Australian Act.

In 1905, however, Australia attempted to meet Japan's request to place the Japanese on an equal footing with Europeans. By this time there was little danger of her Act being misunderstood by people whom she desired to receive in Australia. The test was changed from "50 words in a European language" to "50 words in any prescribed language." The Amending Act [31] also provided that the regulation issued under it, prescribing the language or languages in which the test was to be given, should be valid only when it had been approved by both Houses of the Federal Parliament. The Immigration Restriction Act has been amended several times with the object of making it more definite and more stringent.[32] The

27. Mr. Chamberlain to Marquis of Lansdowne, 18/10/01. Ibid.

28. Ibid. R. Jebb, in article, "The Imperial Problem of Asiatic Immigration" (Society of Arts Journal, Vol. 56, April 24, 1908), says he understands that Britain made an offer to settle the question on a basis of reciprocity—Japan to apply to British labourers the same restrictions or prohibitions as the Dominions applied to hers. He does not, however, state just when the offer was made.

29. Eminent Japanese regarded Australia's Act as "selfish and impolitic," "an offence against humanity," "an insulting piece of legislation" (see "What Forty Eminent Japanese Say of the White Australia Act" (1903), E. W. Cole).

30. "Memoirs of Baron Hayashi," p. 64, edited by H. M. Pooley.

31. No. 17 of 1905; the prescribed language is "English."

32. No. 17 of 1905, 25 of 1908, 10 of 1910, 38 of 1912.

Amending Act of 1910, for instance, dealt severely with the smuggling in of immigrants. It was aimed chiefly at the Chinese who apparently had been detected evading in this way the provisions of the Act.

Its Operation.

The education test is seldom applied. Its mere existence keeps most of the coolie class from attempting to undergo it—and to this class belonged nearly all the immigrants from Asia that formerly came to Australia. For, as has already been noticed, the test is quite arbitrary. It can be changed as often as desirable. And it is severe, as can be seen from the following test given in Western Australia, 1st May, 1908:[33] "Very many considerations lead to the conclusion that life began on sea, first as single cells, then as groups of cells held together by a secretion of mucilage, then as filament and tissues. For a very long time low-grade marine organisms are simply hollow cylinders, through which salt water streams." Of the 153 applicants subjected to a test in 1903, 13 passed. The number of applicants, however, became smaller and smaller as the nature of the test became more widely known.[34]

Arrangements With Certain Countries for Admission of Immigrants.

Australians had no wish to exclude all Asiatic immigrants

33. "Responsible Government in the Dominions," Vol. II., p. 1083, A. B. Keith.

34. It may be interesting, as an example of the working of the Act, to glance at the figures contained in the Commonwealth Immigration Return for 1914 (Commonwealth Parliamentary Papers, No. 58, 1914-15-16-17, Vol. 5), as far as these numbers concern Asiatics:—

Number refused admission, 18, all Chinese (5 unable to pass test, 13 stowaways).

Number who passed test, 0.

Departures (Asiatics) from Commonwealth, 5031 (2723 Chinese, 850 Japanese, 339 Hindoos).

Arrivals, 2362 (1968 Chinese, 394 Japanese).

	Chinese.	Japanese.
Formerly Domiciled	1681	60
Certificate Exemptions	59	38
Accredited (Government)	11	11
Passports	19	28
Special Authority	2*	1
Pearlers	2‡	243‡
Police Proceedings	4	—
Deserters	79	3
Absconders	2	1
Crew Detained (Enemy)	109†	—
	1968	394

*Infants born aboard and admitted with parents formerly domiciled.
‡Indentured for limited period.
†Ship since repatriated, and included in Return of Departures for this year.

from their country. A clause was inserted in the 1905 Amended Immigration Restriction Act to legalise an informal arrangement that had the previous year been made with the authorities of Japan and India. By this arrangement Australia was thrown open to students, merchants and other visitors from these countries. These temporary immigrants were to be provided with passports by their Governments, sufficiently identifying them and specifying the purpose and duration of their visit. In 1912 the same concessions were offered to the Chinese. The passports were to last for twelve months only. For each yearly extension —the total stay, as a rule, not to be longer than six years— application was to be made through the Consulate. The Chinese "merchants" were to be only those engaged in wholesale oversea trade between China and Australia.

It was not till 1908 that the Imperial Government, at the request of the Commonwealth, formally denounced the protocol under which Queensland had joined the commercial treaty between Britain and Japan.[35]

A Reciprocal Arrangement with India.

In 1918 a reciprocal arrangement with regard to immigration was made with India. At the Imperial Conference of this year, and again at the Conference of 1921, India recognised the inherent right of each Dominion, including India, to determine the constitutions of its own population by means of restrictions on Immigration.[36] On the other hand, it was agreed at the Conference in 1921, that "Indians lawfully domiciled in the Dominions should be admitted to the full rights of citizenship, just as the other members of the British Empire that are lawfully domiciled in India are admitted to the full rights of citizenship there."[37] But the principle agreed to has received as yet little practical expression.[37a]

There has been a difference between the British and the Commonwealth Governments concerning the employment of

35. "Responsible Government in the Dominions," Vol. II., p. 1084, A. B. Keith.

36. Mr. G. L. Corbett, C.O.E., of the Indian Civil Service, and a member of the Indian delegation to Fiji, 1921 ("Sydney Morning Herald," 12/4/22).

37. Ibid.

37a. See, for instance, speech by Mr. S. Sastri, a distinguished Indian statesman and scholar, who visited Australia in 1922 ("The Argus," Melbourne newspaper, June 12, 1922). See also letter from Mr. W. M. Hughes, then Prime Minister of Australia (Ibid, September 16, 1922).

Lascars on mail boats subsidised by them. The Post and Telegraph Act (No. 12 of 1901) forbade the Commonwealth to make a contract for the carriage of mails with any line of steamships that employed other than "white" labour. This meant that the joint arrangement by which a subsidy from Britain to Australia was paid to the Peninsula and Oriental line of steamships, must cease when the contract ended in 1905, or Britain must cause the Lascar subjects employed by that line to be discharged therefrom. The mutual arrangement ended. Logical as their resolution appeared to Australians, to the Imperial authorities such a requirement seemed unnecessary and unjustifiable—since it applied to British subjects outside Australia, it seemed a violation of the old maxim "Live and let live."

The attitude of Britain towards the matter is summed up by the Secretary of State, Mr. Chamberlain, when giving his reasons for Britain's dissolution of her partnership with Australia for the carriage of mails: "Even if the service were not one upon which Her Majesty's Indian subjects had not been hitherto employed, it would destroy the faith of the people of India in the sanctity of the obligations undertaken towards them by the Crown if the Imperial Government should become in any degree whatever parties to a policy of excluding them from it solely on the ground of colour. But where they have already been employed in the service for a long period of years, to proscribe them from it now would be to produce justifiable discontent among a large portion of Her Majesty's subjects. Her Majesty's Government deeply regret that their feeling of obligation in the matter is not shared by the Parliament of the Commonwealth, and that in regard to a matter which cannot affect the conditions of employment in Australia, and which in no way affects the purity of race which the people of Australia justly value, they should have considered it desirable to dissociate themselves so completely from the obligations and policy of the Empire."[38] The same position as that taken up by Mr. Chamberlain at the beginning of the century was maintained by Lord Crewe at the Imperial Conference in 1911.

It is difficult to see what other attitude the Imperial authorities could in fairness adopt.

38. Despatch from Secretary of State, 17/4/03, Commonwealth Parliamentary Papers, 1903, Vol. III., No. 21.

The Australian Government protested that one of the motives which impelled them to make the law was their desire to see only British seamen in the mercantile marine, seamen to whom Britain in time of trouble could look for the manning of her war vessels, if necessary.[39] It may be doubted, however, whether this motive really had much influence in determining Australia's stand.

The Policy and the Islands under Mandate in the South Pacific.

During the last few years Australia has expressed her intention of extending her immigration restriction policy to the Islands over which the League of Nations has made her the Mandatory.

These territories which Australia administers under Mandate comprise the former German Colony of New Guinea, and the former German Islands situated in the Pacific Ocean, and lying south of the equator, other than Nauru and the Islands of the Samoan Group, the latter of which are administered by New Zealand under a similar Mandate.[40] The Mandate issued to Australia belongs to the third type enumerated in Clause 22 of the Covenant of the League of Nations.[41] It gives Australia "full powers of administration and legislation over the territory, subject to the present Mandate, as an integral portion of the Commonwealth of Australia," and the mandatory "may apply the laws of the Commonwealth of Australia to the territory, subject to such local modifications as circumstances may require."[42] That Australia obtained this Mandate over the former German Islands of the Pacific seems to have been mainly due to the efforts of Mr. W. M. Hughes, Prime Minister of Aus-

39. Prime Minister of Australia to Secretary of State for Colonies, 19/6/03, Commonwealth Parl. Papers, 1903, Vol. III., Nos. 21 and 40.

40. Article 1 of Australian mandate, received in 1921, will be found among Commonwealth Parliamentary Papers for that year, and is printed on cover of pamphlet, "The Australian Mandate" (1921), by J. W. Barton.

41. The first type of mandate is that given over a community that retains self-government, but needs guidance, such as Turkey; the second over places like Central Africa or South-West Africa, areas that contain stores of materials that all nations of the world need, places that are not occupied by peoples forming a national entity. In these, the mandatory is bound to secure equal opportunities for the trade and commerce of the members of the League. This equality of opportunity includes equality with respect to the entry of people, as well as of goods. Under the third type, the territory, subject to the mandate, may be administered as an integral portion of the mandatory State (see Clause 22 of Covenant; see also "The Significance of the Peace Treaty," 1920, by J. G. Latham.)

42. Article II. of Australian Mandate.

tralia, and the principal member of the Australian delegation at the Paris Conference.

By such a Mandate it is believed that the national security of Australia has been increased in two ways. First, the islands cannot in future be occupied by any people who at some time in their career might become unfriendly to Australia.[43] And, second, the Mandatory has the right, subject to the terms of the Mandate, to legislate for this territory according to Australian need and to Australian sentiment.[44] Under the terms of her Mandate, Australia is not bound to afford equal opportunities for the trade and commerce of all members of the League, as is the nation administering territory held under the second type of Mandate. She is not required, then, to give equal facilities for immigrants, and is able, if she thinks fit, to apply to these territories the restrictive principle characteristic of her White Australia policy. And, it seems, she intends to apply this principle,[45] just as she has applied it to British New Guinea.[46] Australians believe it would be inexpedient to afford to the people whom, for national reasons, they have at present excluded from their country, unrestricted opportunity to crowd into the "backyard of Australia. . . . ." "Our policy," said Sir J. Cook in 1920, "shall not be menaced by the occupation of these surrounding islands by people who have no sympathy with our ideals and objectives."[47] It is believed, too, that unrestricted immigration into these islands would complicate the already difficult problem of administering them in the interests of the native population, as the Australians are bound to do by the terms of the Mandate.[48]

Not without some difficulty did Australia obtain the right to apply such a restrictive principle to her mandated territories,

43. Senator Millen, Commonwealth Parliamentary Debates, 1920, p. 4724.

44. Ibid.

45. Sir Joseph Cook, a former Prime Minister of Australia, now High Commissioner for Australia in London, (Commonwealth Parliamentary Debates, 1920, p. 4553); Mr. Tudor, late leader of Federal Labor Party (Ibid, pp. 4534, 4536, 4563); Senator Millen, a member of late Federal Government, and in 1920 Australia's representative at the Geneva Conference of the League of Nations (Ibid, pp. 4724-5).

46. See Papua Act, No. 9, of 1905, Section 41, Sub-Section 10.

47. Sir J. Cook (Ibid, p. 4551).

48. Article II.: ". . . . . The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory, subject to the present mandate." Certain conditions laid down for the "well-being of the natives" may be found in Clause 22 of the Covenant of the League of Nations.

should she think it desirable to do so. On 7th May, 1919, the Council of Four (Britain, France, Japan, Italy) decided that the Mandate for the former German islands south of the equator should be given to Australia.[49] But for eighteen months this Mandate was not issued. The delay was due to the different constructions placed by the Japanese and by the Australians upon the definitions of the powers of the Mandatory under the third type of Mandate. Japan insisted that, under this form of Mandate, the same equal opportunities were intended to be given to members of the League, as were granted under the second type of Mandate.[50] The United States of America and France supported Japan's interpretation.[51] Mr. Balfour, on behalf of Britain, finally induced the Japanese to accept the Australian view, but they accepted it only under protest.

Moreover, when the Covenant of the League of Nations was being drawn up by the Commission entrusted with that task, the Japanese delegates attempted to incorporate within it a formal recognition of the principle of racial equality. Before bringing before the Commission their amendment [52] to this effect, the Japanese delegates naturally tried to obtain support in as many quarters as possible. They accordingly approached all the representatives of the other nations on the Commission. When they interviewed the British representatives, Lord Robert Cecil and General Smuts, they were met by the difficulties arising out of the restrictive immigration policies adopted in the Dominions.[53] So they talked the matter over with delegates from these Dominions, altering in various ways the form of their proposal. But "they would not give an undertaking that any of the proposed formulas would not cover the subject of immigration." [54] Australia's representatives, therefore, could not agree with the view that Japan's demand for the recognition of racial equality was a "harmless generality which might safely and wisely have been

49. Mr. W. M. Hughes, speaking on the New Guinea Bill, which, among other matters, provided for the acceptance of the mandate when issued, Commonwealth Parl. Debates, 1920, p. 4453.

50. Statement in House of Representatives, 13th April, 1921, by Senator Millen on his return at the beginning of 1921 from Europe.

51. Ibid.

52. Amendment of Clause 10 of Covenant.

53. See "The Significance of the Peace Treaty from an Australian Point of View," 1920, address delivered before Melbourne University Association, 23rd October, 1919, by Lieut.-Cder. J. G. Lathan, C.M.G., R.A.N.R., member of Australian Delegation at Peace Conference.

54. Ibid, p. 8.

conceded." The majority of the members of the Commission supported Japan's amendment.[55] But it was not carried, the Chairman, President Wilson, ruling that unanimity was necessary for its adoption.[56] At the recent Geneva Conference of the League of Nations, the Japanese again brought forward the principle. But in view of the delicate situation that existed at that time over the California question, the matter was postponed to "a more opportune occasion."

Attitude to Resident Asiatics.

It may perhaps be desirable to see the Australian attitude to resident Asiatics during the present century. As was to be expected, the spirit which excluded non-European peoples from Australia was to be found in an extreme form among certain of the community. At the beginning of the century was formed the Anti-Chinese and Asiatic League of the Commonwealth. It had about 20,000 members, representative mainly of business concerns, trades unions and other organisations.[57] This League wanted total prohibition of Asiatic immigration, the segregation of Asiatics already in Australia, and stricter enforcement of industrial laws which many Chinese had an irritating way of skilfully evading. This was only a later expression of the feeling which had prompted the miners of Newcastle in 1888, and of Charters Towers in 1886, seriously to consider the boycotting of all Chinese, of tradesmen who sold Chinese goods or produce, and of persons who employed Chinese labour.[58]

In a less violent form this extreme spirit of exclusiveness has at different times caused the introduction into the various State Legislatures of Bills which made the penalties for given offences higher for Chinese than for Europeans, and which for-

55. The final form of Japan's amendment was, "By the endorsement of the principle of equality of nations and the just treatment of nationals." ("The Peace Conference," Dr. E. J. Dillon).

56. "It was open to Japan," says Lieut.-Cder. Lathan, "to move the amendment at the Peace Conference itself. If this had been done, the position would have been very serious. It was not done. Baron Makino confined himself to a protest delivered in dignified and weighty language. How it came about that the Japanese representatives adopted this course, instead of moving the amendment in a Conference which they had reason to believe supported their claim, is one of the interesting stories of the Conference which higher authorities have not yet told, and upon which, therefore, I cannot speak (reference as for note 53, p. 9).

57. Sydney "Daily Telegraph," 17/10/04.

58. "Sydney Morning Herald," 12/6/88; Petition from Mackay and district, Queensland V. & P., 1886, Vol. III., p. 269.

bade Asiatics to engage in certain occupations.[59] For example, in South Australia, Chinese who evaded the opium regulations were made liable not only to the penalty which could be inflicted on others, but also to deportation. Again, in 1903, the Legislature of Western Australia forbade Chinese to own factories or to be employed in them after 1903.[60] For those who had been so employed, or who had owned factories before that date, an annual registration fee of £5 was required. No State appears to be wholly innocent of discriminative legislation; Victoria, however, seems to be the least offender in this respect.

Most of the States have acceded to Britain's desire for the abolition of legislation discriminating against any people *eo nomine*. Queensland, for instance, in 1905, extended to all aliens a provision in an act of 1904,[61] excluding Asiatics from Government advances for agricultural purposes. Western Australia, however, on the occasion of the passing of her Factory Act of 1904, resented any interference on this point, and refused compliance with Britain's wish.

The Commonwealth has on the whole shown more moderation than the States. The Old Age Pensions Act (No. 17 of 1908) indeed excluded resident Asiatics from its benefits, but not those born in Australia. Nor did it penalise a woman who married an Asiatic. But, by the Naturalisation Act of 1903, Asiatics and other non-European peoples could not become naturalised. Those in the Commonwealth were thus prevented from acquiring any civic privileges. But those born in Australia were not deprived of the political franchise except in Queensland and Western Australia.[62] The new Nationality Act of December, 1920, does not specifically exclude any alien from the privilege of naturalisation.[63]

The Acts discriminating against resident Asiatics were passed chiefly between 1888 and 1908. During the long period that Chinese immigration only was experienced, there was

59. See "Responsible Government in the Dominions," Vol. II., last chapter, A. B. Keith.

60. No. 22 of 1904.

61. See "Responsible Government in the Dominions," Vol. II., last chapter, A. B. Keith.

62. No. 22 of 1904.

63. Whether such privileges will still be withheld from non-Europeans under the discretionary power with which the Act invests the Executive, remains to be seen.

on the whole very little differential legislation in the Colonies. It was during the assertion of their budding nationalism that Australians were inclined to adopt this attitude. The feeling that sometimes found expression in legislation which placed resident Asiatics under disabilities has died away. Australians are realising the justice of the plea of some Chinese petitioners to the Queensland Parliament in 1886, at the time when the Anti-Chinese League in that colony was actively working, and in some districts threatening to boycott the Chinese: "Your petitioners are of opinion that, if the Government of this Colony have acted unwisely in making terms on which your petitioners' countrymen could come and reside in this Colony, your petitioners' countrymen are not accountable for the said action, and, consequently, should not suffer unjust oppression at the hands of the European public."[64] The recognition by Australians of the reasonableness of the claim for fair play has no doubt been greatly hastened by the absence of all cause for irritation since the passing of the Immigration Restriction Act of 1901. Racial intolerance, which in Australia was the child of fear and prejudice, is no longer strong enough in this country to find expression in discriminative legislation. The feeling is becoming general that domiciled non-Europeans who qualify for citizenship should be given that privilege in a professedly democratic country. To withhold it seems unnecessarily harsh and intolerant, in view of the language test which excludes all but the few educated who apply for entrance. The numbers of non-Europeans in Australia are too few to become any political menace. The same feeling is growing concerning the earlier attempts to place disabilities on the industrial and commercial freedom of non-Europeans, even though they conformed to established regulations. In short, a desire for the equal treatment of all resident aliens is again asserting itself, for equal treatment of aliens does not appear to be incompatible with a policy of restricting or even excluding any immigration which may in any vital respect endanger the welfare of a community.

64. Queensland V. & P., 1886, Vol. III., p. 269.

SECTION IV.

THE KANAKA SYSTEM OF LABOUR.

Chapter 7.—UNDER COLONIAL CONTROL.

For about forty years after 1863, indentured coloured labour from the Pacific Islands was used in the warm coastal districts of Queensland for the development of the sugar industry. Just as there was a period when indentured Asiatic labour was favourably viewed in some of the Australian Colonies, then a period of struggle between two sections of Australian thought concerning it, and finally a unanimity of opinion as to its inexpediency and its undesirability, so it was with the importation of cheap coloured labour from the Pacific Islands.

The adoption of the Kanaka [1] system can in some measure be explained by the accepted ideas of the time, in conjunction with the peculiar circumstances belonging to a young sub-tropical colony calling loudly for development. The idea that outdoor work in a warm climate, such as a great part of Australia possesses, could be performed only by coloured labour, was generally accepted in the earlier days—and it still finds followers. In the minds of all, the use of such labour was connected with plantation work—work on large estates, especially those producing sugar and cotton. The colonists had before them the example of Indian coolie labour on the plantations in Mauritius, Jamaica and British Guiana. Sugar and cotton were found to grow excellently in Queensland. Land was obtainable on very easy terms, for the Government was anxious to encourage agriculture. In 1861 Queensland had attained her majority, and the pastoral industry alone could not make her self-supporting. One factor making for agricultural prosperity, rich and cheap land, was available. Where to obtain the complementary factor, labor, was the puzzle. It has been noticed that at first the colonists looked towards India for a supply, and indeed in 1862 took the first steps towards procuring it. But energetic private enterprise

1. "The word Kanaka is the Sandwich Islands name for the natives—though they pronounce it with the accent on the first syllable, whereas in Australia the second syllable is stressed" (p. 287 of "A Short History of Australia," Prof. E. R. Scott).

pointed to another source of labour close to their door, and effectually diverted attention from India for many years. Few believed, like Dr. John Dunmore Lang, that cotton and sugar could be grown profitably by the small independent farmer. In a young and undeveloped country much profitless preparatory work had to be done; capital was needed for the erection of mills, for the idea of the central mill system was as yet unborn; communication was very difficult and tedious, and consequently the cost of sending products to the consumer was almost prohibitive to the small grower. Moreover, the local market was very small, and the intercolonial tariff as well as the competition in world markets with cheaply grown foreign sugar, seemed to make cheap and plentiful labour imperative for the development of tropical and sub-tropical Queensland.

The abuses inevitably connected with the recruiting of island labourers by private enterprise, islanders as helpless as children in their dealings with the more advanced races, and at the same time without a Government of any sort to protect their interests, make the history of indentured labour from the Pacific a disgraceful one. Gradually the system so intertwined itself with the economic prosperity of north-east Australia, that Queensland could not root it out. This imported labour from the islands was not politically dangerous, as Australians believed unrestricted immigration from Asia would be. But the demand for its abolition was not the less loud and compelling, for it was felt to be inconsistent with democratic industrial ideals, and as it proved, with the principles of humanity. By the beginning of the twentieth century, Australia threw open her markets to Queensland sugar, and willingly took upon her shoulders the burden—by no means a light one—of protecting Queensland's great industry till it could be placed on a white instead of a coloured labour basis. Science and industrial co-operation facilitated the transition which was effected in obedience to the progress of social and economic ideas, and to the demand for consistency in the White Australia policy.

General Sketch.

The history of this island labour seems to fall into three periods of very unequal length and importance. There was first the experimental period during which islanders were

brought by private enterprise, subject to no regulations whatever; next, the period during which it was regulated by Queensland only; the third, the period during which it was subject both to Colonial and to Imperial control.

It has been seen that Kanaka labour was first tried in New South Wales as early as 1842, but that the experiment failed.[2] Then, in 1863, this island labour was brought for agriculture in Queensland, and it proved successful. Capital was therefore largely invested for the cultivation and manufacture of sugar, and the importation of islanders began on a large scale. They were brought by agents of the employers, or by those who undertook the work just as a business speculation. The growing demand for the islanders, and the profits consequently to be made by bringing them, led unscrupulous men to participate in the work of recruiting. Kidnapping became common. The islanders naturally retaliated on the "white tribe," regardless of the innocence of individuals.

The Queensland Parliament passed an Act in 1868 to regulate recruiting in the islands, and the treatment of Kanakas during their voyage to the colony. The provisions of the Act and the regulations issued under it were, however, very loosely administered. They included no provision at all for supervision at the island end of the traffic, the end that needed it most, because of the absence of any protective Government there. Caustic criticism in Britain and in the other Australian Colonies led Queensland to attempt to remedy this defect by appointing Government agents to supervise the recruiting.

But so scandalous had become the doings of labour vessels in the Pacific, which engaged in recruiting for planters in the islands, as well as in recruiting for Queensland, that the Imperial Government was forced to pass a Polynesian Protection Act in 1872, with the avowed object of preventing kidnapping. The British squadron in the Pacific had perforce to become naval police, and in 1875 it was found necessary to appoint a High Commissioner of the Western Pacific, with magisterial powers over British subjects in the islands. While these measures did much to check the worst abuses, they could not free the Pacific from them altogether, for they were inherent in the labour sys-

2. Ch. 1, pp. 14-15.

tem. Moreover, foreigners began to participate in the traffic more than hitherto, and over them the High Commissioner had no authority. Massacres and murders became more frequent. Association with the white man had taught the islanders the use of his weapons, and had lessened their awe of him. The British authority in the Pacific, divided as it was between naval and civil authorities, could not adequately cope with the evils, especially as Britain steadily refused to annex the islands that were the chief recruiting centres. As the islands gradually came under the control of the various Powers, the worst abuses disappeared.

Meanwhile, the section in Queensland that had always opposed the introduction of coloured labour made their influence felt politically. They caused the Act of 1868 to be administered with greater care, and they increased the stringency of the regulations issued under it. Disclosures concerning the great mortality of Kanakas in Queensland, and the hardships suffered on some of the plantations stirred into vigor the conscience of Queensland, and so conditions for the islanders were bettered. Finally, the scandals of the New Guinea kidnappings, which subjected Britain in 1884 to the humiliation of a reproof from Germany, determined Queensland to put an end to the importation of islanders. Unfortunately, severe economic depression at the beginning of the nineties caused this colony to reconsider its decision. The employment of Pacific Island labour was continued, but under supervision and regulation so careful and so strict that Imperial watchfulness in the Pacific was practically unnecessary. The Commonwealth decided in 1901 that after 1904 no more Kanakas should enter Australia. Thus came to an end the system which had done so much to develop the warm coastal districts of Queensland, and at the same time had been the cause of so much tragedy and bitterness.

First Period.

Captain Towns' Experiment.

In 1863 Captain Towns began the importation of this labour into Queensland. He was a wealthy merchant and shipowner of Sydney and a member of the Legislative Council of New South Wales. His business had caused him at various times to make

several trips to the islands. Some of the islanders were employed on his vessels, and he conceived the idea of using their labour on cotton fields. He was anxious to try cotton-growing on a fairly large scale in Queensland, and to demonstrate that cotton, for the production of which the colony offered a bonus, could be profitably grown. So he obtained some land not far from Brisbane for an experimental cotton plantation. To recruit the island labour for him he engaged Ross Lewin, a sandalwood getter and island trader of long experience, whose knowledge of the natives and ability to communicate in some measure with them, were invaluable for such work. In 1863, then, 67 islanders were brought to Brisbane in the "Don Juan."

Captain Towns, to whose worthy character and good intentions the Queensland Government bore witness,[3] does not appear to have foreseen the abuses to which the success of his experiment was likely to lead. Yet in his instructions to Lewin he enjoins him to see that the natives are treated with the greatest kindness; and as an additional safeguard, he tells the master of the vessel to see that no advantage is taken of the natives, and that they come "of their own free will and consent." To the missionaries in the islands he sent a circular explaining his object in recruiting Kanakas, and asking their co-operation for its furtherance.

His agreement with the natives, which he insisted they must fully understand—as if they could—provided that they should be paid 10/- a month, the wages to be paid in such "trade" as they might prefer when they were about to be returned at the end of twelve months.[4] It was found that the islanders, unaccustomed as they were to steady work, were of little use for some time. Just when their services were becoming of value, they had to be sent back according to agreement. The period of indenture was therefore soon lengthened to three years. This continued to be the period of service while the traffic lasted The agreement made with the islanders by Captain Towns was afterwards generally adopted by employers of this labour.

Needless to say the advent of 67 dusky workers aroused a

3. See G. F. Bowen to Duke of Newcastle, 16/9/63, Br. P.P., 1867-8, Vol. XLVIII., No. 391.

4. For Captain Towns' arrangements regarding his Kanaka labour, see enclosure in despatch from Sir G. F. Bowen to Duke of Newcastle, 16/9/63, Br. P.P., 1867-8, Vol. XLVIII., No. 391.

good deal of comment. The Government made inquiries, and Towns willingly supplied full information of his intentions and doings.[5] This information was laid before the Queensland Parliament and apparently satisfied it. The local press was at first inclined to regard the importation as the beginning of a slave trade,[6] but till later on, when abuses began to appear, the chief arguments of the opponents of this labour were economic. They pointed out that such workers were of much less value to a young colony than permanent white workers with families, and their presence would only tend to deter European immigration. But the loud demand for labour prevented much attention from being paid to these feeble-voiced protests.

Great interest was taken in Towns' experiment, the Governor being among the visitors to the plantation. "Townsvale," an estate of 450 acres, was only about 40 miles from Brisbane. For several years Ross Lewin superintended the islanders there, and, judging from a report sent to the Colonial office in 1866,[7] they proved well suited to the work. Had all islanders been as fairly recruited, as well treated, and as reasonably worked as those on "Townsvale," the system that was to grow up would have evoked little criticism for some time. On this plantation were produced 267 out of the 612 bales (183,680lbs.) of cotton exported during the first ten months of 1866.

Kanaka Labour for Sugar Growing Tried by Hope.

But successful as was Towns' experiment, it was not for the production of cotton that this labour traffic was to be continued in Queensland. In July, 1864, the Hon. Louis James Hope obtained 54 islanders from the "Uncle Tom"—a very suggestive name—for sugar growing near Cleveland. His success encouraged others to undertake the same work. Enterprising pioneers pushed steadily northward. Accordingly, Kanakas who for the first two years had been brought only to Moreton Bay, were taken first to Bowen in 1865, and then to other ports convenient for the settlers. Agents took up the work of getting the necessary labour.

5. Ibid. Despatch.
6. The Brisbane "Courier," newspaper, quoted by B. H. Molesworth in article, "Kanaka Labour in Queensland," Historical Society of Queensland Journal, Aug., 1917.
7. Sir G. F. Bowen to Lord Carnarvon, 16/11/66, Br. P.P., 391.

Island Labour Becomes Popular.

A glance at the numbers brought will show how popular this labour soon became. In 1863, 67 were brought, but 1237 came in 1867, and during the first four months of 1868 over 900 arrived in five different parts of the Colony.[8] The great increase in the numbers was due to several factors. By this time such labour had been proved to be satisfactory; it had been shown that cane could be grown with success; the Government afforded every facility to the colonists to take up land for this purpose. Hence there was now no hesitation in investing capital for the production of sugar.[9] Moreover, the pastoralists were only too eager to take advantage of such cheap labour, and the climatic conditions of Queensland did not make their employment inland so disastrous to the islanders as the early attempt to employ them on stations in New South Wales had proved. Of the 2017 Kanakas who had been brought to Queensland by the beginning of 1868, 697 were employed by pastoralists, that is, not so very many fewer than were engaged in agricultural work for which they had been originally recruited. The following year shows this tendency even more clearly, for of the 600 islanders brought during the last nine months, 450 were for pastoralists. It is interesting to note that of the remaining 639 who had been brought, but who were not in 1868 engaged in pastoral or agricultural work, 71 were working in the towns, 277 had been returned, and 269 could not be accounted for. Probably many of them had died, and the rest were doing casual work. The number that must have been engaged in this casual work points to the weakest part of the contract system as it was carried out in this unregulated period—the frequent non-fulfilment of that part of the agreement relating to the return of the unfortunate islander.

General Attention Called to Use of this Labour.

By 1867 sinister reports of the doings of agents who procured the labour from the islands began to reach the ears of the authorities in Queensland, and to make them feel uneasy. Those best acquainted with the islands and with the natives were traders, men adventurous and hardy. But among them too

8. Acting Governor, Sir Maurice O'Connell, to Duke of Buckingham, 23/3/68, Br. P.P., 1867-8, Vol. XLVIII., No. 391.

9 See article by B. H. Molesworth, Historical Society of Queensland Journal, August, 1917.

often was the scum of the colonial ports, men whose deeds of violence and dishonesty gained such an unenviable reputation for the sandal-wood getters. Such traders and "planters," whose actions among the unoccupied islands were unquestioned and generally unknown, were men to whom the new industry of procuring labourers—for it was fast becoming such—was bound to appeal. Their experience, and of many it must be added their unscrupulousness, fully qualified them for the work. Such a man was Ross Lewin the agent first employed by Towns. His unscrupulous dealings among the islands gained for him after a few years a widespread notoriety which was only eclipsed by that of the freebooter and nineteenth century buccaneer, "Bully" Hayes whose brutality and meanness were too great to allow even a lurking admiration for his audacity. But Ross Lewin had a great influence over the Pacific Islanders. His successful recruiting of labourers must have been due to his personality rather than to his use of violent methods of capture. One recruiter owed his success to his gift for entertainment. His antics and his songs made him for long a general favourite, and invariably attracted an amused crowd, among whom were always to be found some willing to go away with him. The demand for labour by settlers in Queensland, most of whom, unlike Towns, had no thought of the way they were obtained, was sure to lead to quick and violent methods of recruiting. When the amount of profit made depended on the number of islanders brought, those engaged in getting labourers were not likely to be very scrupulous in their methods. They were subject to no law and no supervision either in the Pacific or at the ports to which they brought the islanders. Planters in Fiji and other Pacific Islands to which Europeans had gone soon followed the example set by Queensland employers. Competition among recruiters consequently increased, with disastrous results to the natives.

It was therefore no subject for wonder that by 1867 several Europeans were murdered by the islanders, and several vessels were taken and burnt.[10]

10. For instance, three Europeans were murdered at the New Hebrides (Sandwich Island) in revenge for the non-return of natives taken away three years before to Queensland and Fiji, taken on the understanding, said their friends, that they should be returned in three months (Sir J. Young to Carnarvon, 12/3/67, Br P.P., No. 391, 1867-8, Vol. XLVIII.). With almost poetic justice, one of the first vessels destroyed was the "Curlew," which belonged to Towns. The outrages occurred chiefly among the Hebrides and adjacent island groups—the recruiting centres at this time.

The commander of the British squadron in the Pacific, to whom the matter was reported, at once caused investigations to be made, and communicated with the British and the local Colonial Government. The Queensland Government, quite aware of the growing traffic, though probably not of its abuses, were thus forced to take some definite and open stand in regard to it. After inquiries which disclosed the growing numbers coming to Queensland, but which at the same time satisfied the Government that the treatment received by the islanders in the colony was kindly, they resolved to regulate the traffic which they regarded as a "temporary means" of developing the agricultural land. They had no wish to prohibit the use of labour that had proved to be useful for the development of a very valuable industry, and by this prohibition to cause the rich but warm coastal lands to remain unused. The influence of the squatters and planters was at this time paramount in the Queensland Parliament.

Regulation or Suppression of the Traffic?

Loud were the comments on the subject in Britain. Should the recruiting of Pacific Island labour be permitted under regulation, and so legalised, or should it be suppressed? The Admiralty at once declared for suppression. It seemed to them that Britain's honour and her best traditions made no other course possible. To this conclusion they were led not only by the report of outrages in the New Hebrides, but also by their knowledge of what had followed the recruiting of labour from the Pacific by Peru and Chili.[11] They felt that Britain could not permit her Colonies to legalise a traffic of very much the same nature as she and France had requested these countries to cease. In their opinion, the inquiries which Commander Luce had caused to be made into the reported outrage at the New Hebrides showed that the recruiting of labour quickly degenerated into kidnapping and slave trading, and then led to the murder of innocent white men. "My Lords are strongly impressed with the belief that whatever regulations may be made for the liberty and well-being of these people, or their being brought nominally within the laws and tribunals of

11. For account of this see (a) "The New Hebrides and Christian Missions" (1880), pp. 385-6, by R. Steel, D.D., Ph.D., and (b) Communication from Admiralty to Colonial Office, 15/11/67, Br. P.P., No. 391, 1867-8, Vol. XLVIII.

Queensland, yet that no proper or efficient control can ever be exercised over the manner in which these people are obtained and placed on board ship. The task of their collection and shipment is likely, from the nature of the work, to fall into the hands of an unscrupulous and mercenary set who, under pretence of persuading natives to make engagements as labourers for a term of years, would not hesitate to commit acts of piracy, kidnapping and murder."[12] It seemed to them that Britain could not with consistency and self-respect countenance the commercial exploitation of a helpless race after she had successfully used her influence to cause France to desist from sending "free" labourers from West Africa to the West Indies.[13]

The attitude of the naval authorities was worthy of their fine traditions. A study of the work of the squadron in the Pacific during the period of the labour traffic, and of the characters of the naval commanders belonging to it, as shown in their various reports, journals and books, reveals the qualities of the best type of Englishman. The humanity and sense of fair play, the impartiality evidenced by a patient determination to see both the Kanaka's point of view and that of the white man, the capable thoroughness of the investigations, the discreet and merciful use of the undefined power placed in the hands of the commanders, reveal something of the reason for Britain's pride in her navy. Whoever else has reason to be ashamed of the part they played in the Pacific Island traffic, at least the naval authorities have nothing to regret.

The attitude of the naval authorities was supported by the protests of such philanthropic bodies as the British and Foreign Anti-Slavery Society and the Aborigines' Protection Society.[14] They pointed out what was perhaps the most vital of all objections to the system—the certainty of abuses when the traffic was carried on under private enterprise at places without any Government at all to look after the interests of the helpless natives. It will be remembered that in India, where the British

12. Communication from Admiralty to Colonial Office, 15/11/67, Br. P.P., No. 391, 1867-8, Vol. XLVIII.

13. Ibid. Earl of Malmsbury to Plenipotentiary at Lisbon: "You are aware that Her Majesty's Government have never altered their opinion as to the analogous nature of the French scheme of exporting negroes with that of the avowed slave trade" (quoted by Anti-Slavery Society in Memorial to Colonial Office, 24/9/69).

14. See correspondence between Colonial Office and these two Societies, Br. P.P., No. 391, 1867-8, Vol. XLVIII.

authorities could keep an eye on recruiting, it had been found necessary to make a rule that only Government agents employed at a fixed salary should be permitted to engage coolies for work overseas.

The Hebrides, one of the chief centres of island recruiting, belonged to the Presbyterian sphere of mission work. From this period to the time of the abolition of the system, the missionaries there never ceased to denounce the traffic as injurious to the best interests of the natives, and as demoralising and degrading to the white men engaged in it. They regarded it indeed as a revival of the slave trade in another form.[15] Situated as they were in the very islands to which the labour ships came, they had perhaps better opportunities than any others of seeing its actual effects on the islands, and of witnessing many of the proceedings of the recruiters.[16]

The Melanesian Mission (Church of England), while denouncing abuses which came under their observation, in terms perhaps even more convincing because more moderate, throughout advocated adequate supervision rather than suppression of the traffic.

The Queensland Polynesian Labor Act of 1868.

A careful study of Queensland's proposed measure to regulate the labour traffic, finally made the British authorities sanction it. The Queensland Polynesian Act of 1868[17] tried to secure fair recruiting at the islands, adequate accommodation on the voyage, humane treatment in Queensland, and certainty of return. It provided therefore that no islanders were to be introduced into the colony except under Government licence

15. The Presbyterians had taken over in 1848 from the London Missionary Society this part of the Pacific as their sphere of missionary work. "We have no hesitation in denouncing the traffic in human beings, as at present carried on among these islands, as a violation of the natural rights of man, and calculated to be injurious to the social, moral and spiritual interests of the natives, as demoralising and degrading to the white men engaged in it, as in short, a revival of the slave trade, without that security for the temporal and spiritual welfare of those who are the subjects of it which can be derived from the fact of their being the property of a man who had invested a large sum of money in their purchase." Extract from memorial from the members of this mission sent to British and Colonial authorities at this time. Enclosure in Despatch, Belmore (Governor of New South Wales) to Buckingham, 29/2/68, Br. P.P., No. 391, 1867-8, Vol. XLVIII.

16. With only one minor exception, their definite individual charges, frequently addressed to the naval authorities and investigated by them, seem to have been substantiated. Doubt was sometimes thrown on their allegations, and their motives were sometimes said to have been far from disinterested, by some in authority who should have known better (see enclosure in Despatch from Governor of Queensland to Secretary of State, 17/6/71, Br. P.P., No. 463, of 1871, Vol. XLVIII.

17. 31 Vict., No. 37.

(Section 6). The licensee was required to enter into a bond of £500 to refrain from kidnapping (Section 15), and into a further bond of 10/- for each immigrant to return him to his country at the end of three years (Section 6). The captain who brought the Islanders was to show to the Immigration Agent or Customs Officer at the port of arrival a certificate from a consul, missionary, or other known person, in the island from which the labourers came, to the effect that they had come voluntarily after thoroughly understanding the agreement (Section 8). The islanders brought were on arrival to be registered. A register open to the inspection of magistrates was to be kept by every employer of Polynesian labour (Section 5). Inspectors were to be appointed to enforce the Act. A tax of £20 a head was imposed for every labourer landed contrary to the Act, and in default of payment the vessel was to be forfeited.

The British Government recognised that Queensland's intentions were sincere, and they believed that if the provisions of the Act were carefully carried out they would be amply protective. They assumed that if the traffic became large, the Queensland Government would undertake its entire control, or at least they could be depended upon to make any further amendments that might be found necessary.

The mistake of the British Emigration Commissioners, on whose guidance in this matter the Colonial Office mainly depended, seems to have been a too trusting reliance upon the fairmindedness of men engaged in conducting the system. Their knowledge of the abuses of the early bounty system of emigration—conducted as it was by private enterprise, but yet under Government supervision, and with men of their own intelligence, who were conversant with all possible means of redress—their knowledge of this might have reminded them of the danger of relying too much on men whose gains depended on the quickness with which they obtained recruits. The sanction of the use of island labour by the Colonial authorities seemed indeed to have given rise to a "fleet of piratical vessels."[18] From this time the inter-insular traffic in islanders steadily increased, and it was under no regulation whatever. Competition at the islands

18. Petition from Sydney meeting to Queensland Parliament against proposed legislation of 1868, enclosed in Despatch from Belmore, Governor of New South Wales, to Granville, 26/2/69, Br. P.P., 1868-9, No. 408, Vol. XLIII.

grew very keen. Moreover, the Queensland Government appear to have been too satisfied with the knowledge of their good intentions to see that the provisions of the Act were properly carried out. Little attempt was made to enforce inspection. Police magistrates were appointed to do this work, but their inspection seems to have been regarded as optional, and their duties and powers were not defined. No care was taken to inquire into the character of those recruiting, and no attention was paid to the suggestions—some of them very sensible and necessary—made by the Immigration Agent of Queensland, who was in a position to see the defects of the system.[19]

Abuses Under the System.

Within a few years, the traffic had become such a disgrace that further measures, both by Queensland and by Britain, had become imperative. Kidnapping was going on to an almost inconceivable extent, said Captain Markham of H.M.S. "Rosario," who carried out careful investigations from 1st November, 1871, to 12th February, 1872.[20] Brutal and mean methods of capture were used. Natives were encouraged for instance to come to the recruiting vessel to trade, and after they had unsuspectingly come on deck, were overpowered and taken below, the hatches being put on to prevent their escape. Sometimes their canoes would be run down, and as many as possible of the struggling natives picked up and clapped below the hatches; or perhaps their boats would be upset by something heavy being thrown into them when they reached the side of the ship. These methods were used, for instance, by those on the "Carl," and these, together with the 70 callous murders committed by them, afford perhaps the most horrible example of the atrocities that were possible under the system.[21]

Islanders were often obtained under false pretences, or they were decoyed on board and kept there against their will. Some vessels took advantage of the trust the islanders had in the missionaries, and represented their ships as the missionary

19. Report by Immigration Agent, Queensland, C. & P., 1868-9, Session I., p. 550.
20. Report of Proceedings of H.M.S. "Rosario," Br. P.P., C. 542.
21. See enclosure from John Williams, Crown Solicitor, in Despatch from Governor of Victoria to Secretary of State, 7/9/72, Br. P.P., 1873, Vol. L., No. 244; an extract is given in "The New Hebrides and Christian Missions," pp. 405-7, by Rev. R. Steel.

vessels which frequently cruised among the Islands.[22] Bishop Patteson of the Melanesian Mission[23] was even impersonated. Sometimes native huts were burnt, canoes were destroyed, and yam and banana plantations devastated. The missionaries naturally refused to have anything to do with labour vessels. Consequently, the certificate that was supposed, according to Queensland regulations, to be signed by a missionary, a consul (there were no consuls in the New Hebrides or the Solomons till very much later), or other "respectable European," was usually signed by those belonging to the ship. Thus one of the chief safeguards against fraud and violence was relaxed, with sad results.

During this period, few islanders could understand the "contracts" for indentured service. Apart from their inability to comprehend the idea of a "contract," the natives of the islands spoke different languages.[24] Bishop Patteson declared that it was very difficult for even a well-intentioned man to carry on the trade honestly, for because of the many dialects, even native interpreters were frequently unable to communicate freely with adjoining tribes. "A few sentences in broken English, with here and there a native word, imperfectly understood and badly pronounced," were all that could be used to enable the islanders to "comprehend" the agreements.[25] Investigations by the Select Committee appointed by the Queensland Legislature in 1869 to inquire into the working of the Act brought to light the fact that on one plantation in Queensland were islanders who had been engaged for one year, but who had had to stay for three years, and that 23 such islanders had been imprisoned for neglect of work and absconding![26]

The impossibility of explaining the terms of service in a way that the islanders could understand was partly removed

22. The "Dayspring" of Presbyterian Mission, and the "Southern Cross" of Melanesian Mission.

23. Through the efforts of Dr. G. A. Selwyn, Bishop of New Zealand, the diocese of Melanesia had been formed. Of this, Rev. John Coleridge Patterson was in 1861 made the first Bishop. After his murder in 1870, his work was carried on by the Rev. J. R. Selwyn, M.A., son of the pioneer Bishop.

24. In the New Hebrides alone there were 20 languages not to mention different dialects ("The New Hebrides Mission and the Labour Trade" (1883), by Rev. J. Inglis, missionary in these islands). See also Returns, Br. P.P., 1877, Vol. LXI., Nos. 29 and 29¹.

25. See enclosure 3, in communication from Mr. Kinnaird to Earl of Clarendon, 27/6/69, Br. P.P., 1868-9, Vol. XLIII., No. 4222; also enclosure in Despatch from Governor of New Zealand (Sir G. F. Bowen) to Secretary of State, 24/7/70, Br. P.P., 1871, Vol. XLVIII., No. 468.

26. V. & P. (Queensland), 1869, Vol. II., p. 23.

after some years. By that time there were returnees in most of the islands visited for recruits, who could relate their own experiences, and the recruiters could make known their wants through these returned natives by the use of "pidgin" English.

The native interpreters could not always be relied on, for they were in the pay of the recruiters.[27] Frequently the same native interpreted both for the recruiter and for the Immigration Agent in Queensland, who was supposed to see that the islanders understood their agreement and came voluntarily.

Labour vessels were filled at the islands where men could be got most readily. No care was taken to find out whether the islanders could be spared. Some of these places were almost depopulated.[28] The taking away of the men who hunted and fished frequently left the young and the infirm in difficulties for food, and their tribes at the mercy of neighbours with whom they were so often at war. The dissolution of social ties, too, was a fruitful source of disturbance.

Men who got labourers by methods so regardless of the islanders' rights or interests, were not likely to exercise very great care in returning them, at the expiration of their engagements, to their own particular village or even island, unless it were convenient. Carelessness in this matter frequently meant the death of the unfortunate returnee, who would be tomahawked as soon as he landed, or reserved for purposes of greater enjoyment by the cannibals. Sometimes in fear of their lives those

27. Mr. March, Consul in Fiji, twice detected them misrepresenting the wishes of the natives (March to Granville, 17/6/70, Br. P.P., 1871, Vol. XLVIII., No. 399

28. Statements to this effect were frequently made by missionaries and by commanders of H.M. ships sent to investigate reported outrages among the islanders. An extract from a letter from Bishop Patterson to Rev. R. H. Codrington (enclosure in Despatch from Sir G. F. Bowen to Secretary of State, 22/1/72, Br. P.P., 1873, Vol. L., No. 244), will give some idea of the effect of the traffic on some of the islands he visited: "All these islands (Banks Islands) except Mota and part of Santa Maria are depopulated. Of the Three Hills in the New Hebrides we only reached one to-day I have spent the afternoon on shore, one of the saddest afternoons I have had for many a day. Nothing can be more deplorable than the state of the island. I counted in all 48 people in a village where of old 300 certainly were to be seen. Noumea, Fiji, Brisbane, Tanna, in everyone's mouth . . . . fighting going on, and even the cannibalism unchecked. They confirmed Mr. Thurston's statement that there is no one at Tongoa (a neighbouring island), and Tivea entreated me not to go to Taseko (Apie). "They have all gone," he said, "and will shoot at any white man; they don't know you well enough to make a difference. The people there are very few to what they were." Well, I have come back sad at heart. What is to be done? These fellows come back occasionally in batches from Fiji or Brisbane or Noumea much worse than they were before they went. How to act upon the people I am at a loss to imagine. I am sorely puzzled, but I can't bear to give up all hopes and attempts to do something. To remember the boy Tivea as he was 10 or 12 years ago and to see him as I saw him this afternoon, is enough to break one's heart."

about to be landed would re-engage themselves for service. Allegations were not lacking that because of this they were brought to their own islands less frequently than they might have been.

Retaliation of Islanders.

Subjected as they often were to force and fraud, the natives frequently retaliated, and dreadful murders and massacres took place.[29] In a few instances, European trading vessels had even been connected with the atrocious skull-hunting.[30] Vengeance, as the Admiralty had predicted, too often fell on innocent whites. The list of outrages during 1870 culminated in the murder of Bishop Patteson. He knew that by continuing his work among the islanders, many of them infuriated, he was carrying his life in his hand, and before his last cruise he expressed a wish that no punishment should be meted out to the Islanders who might be responsible for his death; for the fault was not really theirs.[31] These murders shocked public opinion so much that measures which had just before been resolved on were hastened.

Whose was the Responsibility for the State of Affairs?

The outrages before this last shocking occurrence had stirred the conscience of the Australian Colonies and of Britain into unpleasant activity.[32] Colonies like New South Wales and Victoria, that apparently had nothing to do with the use of such labour, were responsible for some of the tragedies, for certain of the labour vessels were owned by Sydney and Melbourne merchants and shipowners. The "Young Australia," for instance,

29. See, for instance, enclosure (extract from "Sydney Morning Herald") concerning the massacre on board the "Marion Rennie" in Despatch from Belmore (N.S.W.) to Kimberley, Br. P.P., 1871, Vol. XLVIII., No. 399, and enclosure in Despatch from same, 8/8/71, Br. P.P., 1872, Vol. XLIII., Cd. 496.

30. They had given passages to members of neighbouring tribes, who, when their unsuspecting enemies approached close enough to the vessel, upset their canoes, and captured and killed all they could.

31. Seeing the unfriendly attitude of the natives of Nukapu, a small island in the Swallow Group, 36 miles from Santa Cruz, he insisted on landing alone, but his unselfish caution did not prevent the Rev. Mr. Atkins and a native catechist, who were in the boat which had taken him to the shore, from being wounded with poisoned arrows. They died a few days later. (Rev. R. H. Codrington to Lord Belmore, 17/10/71, in Despatch, 21/11/71, to Secretary of State, Br. P.P., 1872, Vol. XLIII., C. 496).

32. Its activity had been increased by the publication of "a dispassionate statement" from the New Hebrides' Missionaries ("The Slave Trade in the New Hebrides"), 1888, which circulated amongst all the members of the Imperial Parliament and among the Presbyterian clergy throughout the Empire ("The New Hebrides and Christian Missions," 1880, pp. 394-5, by Rev. R. Steel).

some of whose crew were found guilty of kidnapping and murder, was a Sydney ship, and the "Carl" was a Melbourne-owned vessel. The Consul at Fiji had been obliged to draw the attention of New Zealand and New South Wales to the number of trading ships sailing from their ports, which, after having landed their cargo at Fiji, set out on recruiting trips. The crews of such vessels were often unaware, when leaving colonial ports, that such trips were to be undertaken, and some who disliked such work had caused trouble which the Consul had been called upon to arrange.[33]

The Queensland authorities grew restive at the clamour that arose. They resented the application of the term "slavery" to the labour trade by those who, through personal experience, knew nothing whatever of what went on in Queensland. Because of criticism within and without, a Select Committee had been appointed in 1869 to inquire into the operation of the Polynesian Act. They reported that conditions in Queensland were satisfactory, and that there was no evidence of the use of force or fraud at the islands by those belonging to this colony's labour vessels, nor of abuses during the voyage.[34] The Government, however, took no heed of their recommendation that government agents should be appointed on the vessels, to supervise the recruiting, and that provision should be made for the admission of native evidence in the law courts. Stung by the aspersions cast on the colony, the employers urged that the labour should be brought under the authority of the Government.[35] Others

33. Mr. March, Consul at Fiji, to Governor of New Zealand, Br. P.P., Vol. XLVIII., No. 468. "It was all very well to rage at the Fiji cotton planters, and to make them the scapegoats for other men's iniquities," incisively wrote the Rev. Lorimer Fison, of Fiji, to "Sydney Morning Herald," "but it is not among the cotton planters, whether in Fiji or Queensland, that the root of this evil is to be found. It is to be found in this city, and in other Colonial seaports. It is to be found among some of our leading merchants and shipowners. Whence do the labour vessels hail? From Sydney chiefly, from New Zealand, also from Melbourne. It is idle for owners of these vessels to say: 'We gave instructions to our captains to act with perfect fairness, to do no wrong.' Do they make anxious provision for ensuring perfect fairness and absence of wrong-doing? Are they always careful as to the character of the men whom they place in charge of these vessels? Do they know that nowadays—whatever may have been the case some years ago—if no wrong be done, all the vessels in the trade cannot be filled? If they do not these things, they are morally, if not legally, responsible for the deeds of their agents. . . . If the Bishop died because of these deeds, they are his murderers." (Letter to "Herald," enclosed in Despatch, Belmore to Kimberley, 22/11/71, Br. P.P., 1872, Vol. XLIII., C. 496).

34. Queensland, V. & P., 1869, Vol. II., p. 23.

35. Ibid, Appendix E.

suggested that the Government should appoint to the various island centres resident recruiting agents with fixed salaries.[36]

The British Government hailed with relief the suggestion of the Select Committee that government agents should be appointed on labour vessels. The Earl of Clarendon, of the Foreign Office, came to regard the traffic in the same light as did the Lords of the Admiralty three years before; and Earl Granville, Secretary of State for the Colonies, hesitatingly inclined to the same view. They felt that the traffic as then conducted touched Britain's honour.[37] Both Earl Granville and his successor, Lord Kimberley, warmly urged the authorities in Queensland to appoint government agents to supervise the traffic. A change of Government and a decrease in the number of Kanakas brought to Queensland made this colony think such a course was unnecessary. But under British pressure the Queensland Government finally gave way, though very ungraciously.[38]

Despite the outrages committed by those on board the "Lyttona" and the "Jason," Queensland labour vessels, that Government was unaware, "from anything that had transpired within their own knowledge, that acts of violence and barbarity have been from time to time committed by British subjects in various islands of the Pacific, which are calculated to bring discredit on the British name." Their attitude at last compelled the downright Kimberley to tell them plainly that they appeared to be "under a serious misapprehension of the extent to which Queensland is concerned on the question. While it is undoubtedly a question of Imperial interest, the responsibility for the immigration rests primarily and principally upon the settlers of Queensland and the Fiji Islands, and the possibility of the in-

36. Mr. Davidson, witness examined by Committee, Queensland V. & P., 1869, Vol. II., p. 23.

37. "I wish you clearly to remember," wrote Granville to Blackall, Governor of Queensland, "that the matter is not a mere Queensland question. It is a matter affecting foreign, though uncivilised, countries, and the honour of the British nation in connection with them. It is a matter in which Her Majesty's Government feel the deepest interest, and in respect of which, as their officer, you are under the most serious responsibility. It is for you to take care that the Home Government is not misled, but receives accurate and full information respecting what is going on in Queensland." (Despatch, 23/4/69, Br. P.P., 1868-69, Vol. XLIII., No. 408.

38. "The Executive Council are of opinion that if the Secretary of State for the Colonies would, through the Admiralty, enforce more active supervision on the deportation of these islanders than has hitherto been observed, it would in a measure, if not wholly, check the abuses to which it is alleged this traffic has been subjected." (Executive Council Minute, 17/6/70, enclosed in Despatch, Governor of Queensland to Secretary of State, 1/7/70, Br. P.P., 1871, Vol. XLVIII., No. 468).

troduction of Polynesians into Queensland being permitted to continue depends on its being shown that it can be conducted in such a manner as to be free from the abuses of kidnapping and violence, which has led to such shocking occurrences as the murder of Bishop Patteson.'' [39]

Government agents were appointed in December, 1870, to all vessels recruiting and returning islanders to their homes.

It would seem that Queensland had legislated in 1868 with the very best intentions. But abuses arose which she did not anticipate and which her lax administration of the Act encouraged. The sometimes undeserved opprobrium, freely heaped upon her by the other Australian Colonies, themselves by no means innocent of blame, caused resentment which was not unconnected with her tardiness in effecting reforms.

Queensland Appoints Government Agents to Supervise the Traffic.

The instructions issued to the Government agents were comprehensive and definite.[40] No engagement with any Kanaka was to be made except in the agent's presence and with his consent (Instruction 1). He was to see that the conditions of the contract were clearly explained to the islander, and were understood by him (Instruction 7), that ''no undue influence or coercion, or false representation, or treachery of any kind'' was employed (Instruction 9). On him rested the responsibility of seeing that returned Kanakas were taken to their native places. He was to see that those engaged were, as far as he could judge, physically fit. His duty on board ship was very like that of the surgeon-superintendent on the old emigrant ships; on him rested the responsibility for the fair treatment of the Islanders during the voyage. The agents were responsible to the Government alone, and it was their duty to report any interference by the captain. Finally, they were exhorted to show ''discretion and firmness,'' qualities which their difficult position made it very necessary they should have in unlimited measure. The germs of future trouble, however, lay in the facts that the agents were not permanently appointed and that their salary while engaged was only £10 per month.

39. Kimberley to Marquis of Normanby, Governor of Queensland, Br. P.P., 1872, Vol. XLIII., C. 496.

40. Enclosure in Despatch from Acting-Governor Sir M. O'Connell to Lord Kimberley, 10/6/71, Br. P.P., 1871, Vol. XLVIII., No. 468.

Chapter 8.—UNDER BRITISH AND COLONIAL SUPERVISION.

Want of Adequate British Jurisdiction in the Pacific.

No matter what scope and character Queensland's regulations might have, they could enable this colony to control only a part of the labour traffic. Almost all the groups of islands in the Western Pacific were unannexed. Except in the New Caledonia and the Loyalty Islands, which belonged to France, there were no settled Governments to make and enforce regulations for the control of the inter-insular traffic now so generally carried on. The British settlers in Fiji, ashamed like the planters of Queensland, because of the disgraces attached to the trade, in vain till 1875 besought Britain to annex this group.

Except in the case of those bringing Kanakas to Queensland, there was no law for the punishment of kidnapping islanders. Because of the non-applicability of the Slave Act [1] to such cases, several prosecutions instituted by the naval authorities in the Pacific fell through.[2] It was found that warrants could not be issued in the Australian colonies for the arrest of persons who were concerned in outrages on natives, but who remained in the islands.[3] Again, though British Consuls at this time in the Pacific had been instructed to do all they could to prevent abuses, they had no power to arrest offenders and send them to Colonial courts for trial.[4] The naval authorities of the Pacific had to depend entirely on their own discretion and initiative, both as to the amount of punishment to inflict on native offenders and the amount of indemnity to exact—their orders were very

1. 5 George IV., C. 113.

2. Such, for instance, as those on board the "Daphne," clear evidence of their guilt though there was. (Enclosure in letter from Hon. A. Kinnaird to Granville, 18/3/70, British Parl. Papers, 1871, Vol. XLVIII., No. 468). And so with the "Challenge" (Despatch from Lord Belmore to Secretary of State, 8/8/71, British Parl. Papers, 1872, Vol. XLIII., C. 496).

3. See case of alleged murders on board the "Young Australia" (Despatch, Belmore to Granville, 5/11/69, British Parl. Papers, 1871, Vol. XLVIII., No. 399).

4. Case of Morgan, sent by Thurston (Consul at Fiji), to Sydney. Ibid. See also report of Williams, Consul at Navigator Islands, to Clarendon, 12/1/70, Ibid.

indefinite.[5] The inability of the Colonial courts to take native evidence unless the witnesses were possessed of a definite religious creed, made it almost impossible to prosecute offenders with much hope of success. Most of the available white witnesses were interested as a rule in the defeat of justice.

The defects and the limited scope of British jurisdiction in the Pacific, and the evils that were thereby possible, are summed up with telling emphasis and sarcasm by Captain Palmer, commander of H.M.S. "Rosario," in his book, "Kidnapping in the South Seas." This he published in 1871, with the avowed object of "exposing the deeds that have been perpetrated among the beautiful islands of the South Pacific by men calling themselves Englishmen, and whose transactions have been invariably carried on under cover of our glorious old flag." It was Captain Palmer who had just before carried out investigations in the "Rosario," and had vainly seized the "Daphne."

"As the law now stands, the following things may be done," according to Captain Palmer's experience in the Pacific:—

"*First.*—You may hire a vessel, and fit her up as an African slaver, and clear from any English (Colonial) port for an island, or other port, also colonial, but which you never intend to go near.

Second.—By applying to Queensland (Australia) you may easily get a licence to engage Polynesian labour for plantations in that colony.

Third.—You may also take loaded muskets with you when you engage these 'free labourers,' as they are sometimes blind to the advantages to be derived from Queensland or the Fiji Islands.

Fourth.—You may cunningly get a boat's crew at islands where the French flag is flying, and thus allay suspicion of any treachery, and, moreover, have no white man an actual witness of your proceedings.

Fifth.—You may cook up agreements between yourselves and the natives you may have the good fortune to cajole or kidnap, in which you may tell any number of lies you like. Dates are not of the slightest consequence; it is true they are on shore

5. (a) "In truth, my Lord," stated Williams, with unusual frankness, "both the Commodores of H.M's. ships and consuls are afraid to act lest they should not be supported by H.M's. Government" (4/3/70, Br. P.P., 1871, Vol. XLVIII.
5. (b) "Kidnapping in the South Seas" (1871), pp. 162-5, Captain Palmer.

among white men, but when ignorant natives are concerned, you may ante-date them or leave the dates out altogether, just as it suits your convenience.

Sixth.—Your log, generally so sacred, may show you to have been at sea on a certain date, while you and your crew may positively swear you were engaging natives, and that it is all a mistake. False entries in that book may affect other vessels carrying coals or guano, but with passengers on board, more especially coloured ones, you need be under no apprehension of even a slight fine.

Seventh.—You may violate the Imperial Passenger Act with impunity so long as you are carrying Polynesian labourers; thus you may cram 122 souls on board a vessel of 48 tons.

Eighth.—If you have the good fortune to fit out your vessel at Brisbane—and you are strongly recommended to do so—it will not be necessary to fulfil the port regulations too strictly regarding the Polynesian Labourers' Act. For instance, don't fit your passenger deck with partitions so as to form berths for the greater accommodation of your passengers. Again, you are supposed to give every man a blanket, so as to protect his naked body from the bare boards, but do not trouble yourself with supplying such expensive luxuries, even supposing you are going to give them a dead beat to windward for three weeks.

Ninth.—The absence of any interpreter to make known your passengers' wants, as also to enable them to hire themselves as free labourers to the planters on their arrival at Fiji, need give you no trouble.

Tenth.—Have no anxiety about taking any immigrants to a place where no Government exists, under cover of a licence received from an English Colony, because the law cannot touch you.

Eleventh.—If you should think it necessary to shoot any of your passengers who at any time object to your treatment of them (and there are always some grumblers), remember that, as not one in a hundred of the natives of the New Hebrides as yet understand the nature of an oath, you will, if you have sufficient tact and ingenuity, get off with a few years' imprisonment, as poor Levinger[6] did the other day, a martyr to the cause of free labour.

6. His conviction was afterwards quashed on appeal, on the technical ground that a foreigner should have been tried by a mixed court.

Lastly.—If, by a combination of unforeseen circumstances, you should find yourself in a position you had not bargained for, and that one of Her Britannic Majesty's Consuls, diplomatically,[7] and the captain of one of H.M's. cruisers, nautically, consider that you richly deserve to be hanged, go down on your knees and thank God you have a white skin.

These few hints will be found exceedingly useful to shippers and supercargoes, unless in the meantime the Imperial Government should happen to differ with the Colonial interpretation [8] of English law, and which a recently published despatch from Lord Granville to the Governor of Queensland seems to indicate."

International Co-operation Sought.

The circular despatch to which Captain Palmer referred was sent out in March, 1871. The Colonies on the east of Australia expressed their willingness to bear some share of the expense the British legislation proposed therein would entail. The idea that Britain should declare a protectorate over all islands of the Western Pacific unoccupied by a European power, was expressed at this time, but general opinion in Britain was averse to such a proposal, and the colonies themselves were not yet alive to its advantages. An attempt had been made to secure the suppression of abuses by co-operation with other Powers whose subjects were to be found in the Pacific.[9] The promised co-operation, however, seems to have effected very little.[10]

Imperial Legislation, 1872.

In 1872, therefore, was passed the first of the Pacific Islanders' Protection Acts, "An Act for the prevention and punishment of criminal outgrages upon natives of islands in the Pacific Ocean." No British vessel was to carry native

7. Consul Thurston had supported Captain Palmer's prosecution of the "Daphne."

8. It was the lack of any applicable law, rather than the colonial interpretation of any existing law, that was the trouble.

9. Earl of Clarendon to Mr. March, Consul at Fiji, 30/3/70, British Parl. Papers, 1871, Vol. XLVIII., No. 399.

10. One finds Commodore Challis, of the "Rosario," writing in 1871, the year after the assurances of support given by the United States of America and France, "without co-operation from other powers, our efforts must be fruitless in preventing kidnapping."

labourers, unless licensed by the Governor of an Australian Colony—and, after 1874, of Fiji—or by a British Consular officer residing in any of the Islands. Vessels complying with Colonial regulations were exempt from the provisions of the Act. Colonial courts were empowered to try all cases of decoying or of detaining without consent. Native evidence was to be admitted in these courts, and Kanakas could be temporarily brought from the islands for that purpose.

To make this legislation effective, supervision which could only be carried out by H.M. ships was necessary. And this meant that the number of such vessels in the Pacific must be increased. There were accordingly built in the Colonial ports five schooners, each requiring a complement of between 20 and 30 men. Fewer men might be exposed to danger from native attacks.

The provisions of the Act did much to put down the worst abuses connected with the procuring of island labour. In such a wide area as the Western Pacific it was, of course, impossible to examine the bona fides and conduct of all labour vessels, and evasions and non-compliance were occasionally discovered. But apart from the determined efforts to enforce the Act, its very existence was something of a deterrent. The increased super vision on Queensland vessels, and on those of Fiji after its annexation in 1874, was not only a powerful check on unscrupulous conduct, but it enabled the honest master successfully to compete with those less upright.

Creation of Office of High Commissioner of the Western Pacific.

The Act of 1872 tried to prevent "criminal outrages" upon natives by those on vessels going among the islands. But the conduct of the British settlers in the Islands was as yet subject to no authority. By an amending Act of 1875, these subjects "not within the jurisdiction of any civilised Power" were placed within the reach of British law. To enforce this law, a High Commissioner of the Western Pacific was appointed, and a court of justice was set up for this purpose in Fiji. Not till 1879, however, was this court established. Because of the great

area of the Commissioner's jurisdiction, several Deputy Commissioners were appointed.[11]

This machinery was very satisfactory for the settlement of disputes among the British resident in the islands, but much less so for the punishment of outrages on and reprisals by natives, for its application was limited to British subjects. Thus, while it could compel British subjects to observe the law, it could not compel foreigners to do so, nor could it punish natives guilty of crimes. In the Commodore's hands lay the right to punish native outrages which might be called an "act of war" by a State outside British jurisdiction.

By 1880 the tables appeared to be turned. Before this time it had been necessary to take measures to protect the natives from outrages, to curb the excesses of the whites. Now complaints were made that it was time for Britain to protect her subjects against lawless islanders. At the end of 1878 there began a series of dreadful murders and massacres by the natives. The number of cases of massacre investigated by the naval authorities in the Pacific for the 2½ years beginning 1878 was 23. The chief cause was the treatment the natives received at this time, mainly at the hands of foreign labour getters, who were under no jurisdiction.[12] Contact with the white man was by no means always beneficial to the natives.[13] By this time, too, natives were obtaining firearms freely from traders of all nationalities, and from Queensland and Fiji where the islanders were employed. They were no longer afraid of or awed by the white man. The many small vessels trading to the islands, the crews of which often consisted almost entirely of natives, made capture possible, at the same time that the "trade" they contained aroused cupidity. Familiarity with the islanders, too, made the more reckless traders less cautious than hitherto.

11. They were appointed at this time to Tonga and Samoa, and Commander Dale, of H.M.S. "Diamond," and Commander Bridge, of H.M.S. "Espiegle," were empowered to carry out Deputy-Commissioner's duties during their cruises, the one at the Solomon Islands, the other in the New Hebrides.

12. The massacre of the captain and part of the crew of the "Dauntless," for instance, was found to be revenge for violence and kidnapping by a French vessel from Noumea.

13. Commodore Goodenough, who died from the effects of a poisoned arrow, writes in his journal (p. 333): "It is remarkable that just in proportion to the number of people who have been taken away as labourers, so are the natives inclined to assault Europeans; where the white men are least known, the people are most friendly." This was Baron Miklouho-Maclay's experience also (see Appendix to Commodore Wilson's report, 1881). On the other hand, it must be remembered that some of the Melanesian natives are treacherous and cruel.

There were complaints that the small size of H.M. schooners inspired little fear, and that the mild measures taken by the commanders aroused contempt instead of a wholesome respect.

Several severe lessons, however, were given to the natives because of their unprovoked attack on H.M.S. "Sandfly" and other vessels, and the outrages gradually abated.

Traffic in Firearms.

A dangerous and undesirable feature very much connected with the labour question in the Pacific was the traffic in firearms that had grown up. Weapons were the articles of trade the islanders most coveted. For some time the "trade" given by the recruiting agents as "presents" for recruits almost invariably included a gun. So greatly were these desired that for them the natives were ready to part with their relatives, and chiefs with their subjects, who thereupon became "voluntary" recruits. Muskets and ammunition soon formed part of every kit belonging to islanders returning both from Fiji and Queensland.[14] When it is noted that from Queensland alone out of 17,329 recruits obtained during the period 1872-80, there had returned 9610, together with a somewhat smaller number from Fiji, something of the significance of this practice can be seen. The colonies employing native labour afforded in this way encouragement for native outrages. And New South Wales was every bit as blameworthy. Her trade with the islands was rapidly growing, and the export of guns, ammunition, dynamite and spirits of all kinds formed a large part of it.[15]

Despite the efforts of the British authorities to induce the colonies to abandon this "trade,"[16] it was not till 1884 that they at last acceded to her wishes, and prohibited the sale of arms to the islanders. Thereupon the High Commissioner in that year forbade any such traffic to be carried on in the Western

14. Says Commander Bruce, of the H.M.S. "Cormorant," 1881 (quoted in Report by Commodore Wilson, 1881, British Parliamentary Papers sent to Queensland from Colonial Office, 27/2/82, and, consequently, to be found in their V. & P., 1882, Vol. II): "While at Ugi I embarked five returned labourers from the "Renard," as their destination was Florida, and the following warlike implements were in their possession: Rifles, 8; pistols, 2; cartridges, 256 (musket), 112 (revolver); powder (in flasks), 44lbs.; shot (sporting), 148lbs.; slugs (lead), 8lbs.; caps (percussion), in boxes, 200." They were returning from Queensland. This, be it noted, belonged to five men only. There is nothing to indicate that the amount was greater than the average.

15. See appendix to report by Commodore Wilson, 1881, for the export of arms and munitions from New South Wales to the Islands, 1870-80.

16. See Despatch from Secretary of State to Government of Queensland, 1/11/77, 2/12/79, 17/6/81, to New South Wales, 14/10/81, etc., in British Parliamentary Paper, 1883, C. 3641, Vol. XLVII.

Pacific by British subjects.[17] Gradually as the island groups came under the jurisdiction of the different Powers, and the interests of the natives were protected by them, the undesirable traffic ceased altogether.

The Kanaka in Queensland.

General Sketch.

Early during this period (1872-90) the opposition in Queensland to this traffic began to make itself felt politically. In the sixties and early seventies the pastoralists and planters had paramount influence in the Parliament. But a section opposed to the use of Kanaka labour gradually formed in the Legislature, and was to gain strength as time went on. From the very first the labouring classes instinctively struggled against the system of Kanaka labour. They felt that these islanders would be competitors who would secure the work that should be available for them, competitors who by their cheap labour would tend to lower working conditions. Their opposition, then, sprang mainly from motives of self-interest. They hated the Kanaka brother whom they saw with as much zeal and heartiness as the philanthropists in England loved the dusky Islander whom they had not seen. Actuated by very different motives, these groups worked side by side for the exclusion of the Kanaka from Queensland. The political Liberal Party opposed the continued use of island labour. Its inherent tendency, they argued, was the creation of large estates, many of them sure to be held by absentee landlords. It would create, at least among the people of large areas of the colony, a feeling of caste and a contempt for certain kinds of labour, feelings not at all desirable in a colony that already aimed at the realisation of democratic ideals. Their presence was incompatible with free political institutions, though their numbers were not likely ever to be large enough to endanger them.[18] Moreover, the colony suffered in reputation because of abuses which inevitably clung to such a system.

17. Sir A. Gordon, High Commissioner, had not issued such a regulation prior to 1884, because he knew it would be systematically and openly disobeyed, and "the mere expression of an impotent wish would probably do harm, and could certainly do no good." (Despatch to Kimberley, 21/4/81, Ibid).

18. For the sentiments of this party concerning Kanaka labour, see Mr. S. F. Griffith's manifesto of 1892 (extract from "Brisbane Courier" enclosed in Despatch from Sir H. W. Norman, Governor of Queensland, to Lord Knutsford, 20/3/92, Parliamentary Paper, C. 6686, 1892, Vol. LVI.).

In 1876 the Liberal Party was given the reins of Government, under the leadership of Mr. John Douglas. It was not yet strong enough to carry out any great reforms. But at least it could examine what seemed the Augean stables, and think out some means of cleansing them. When the cleansing had to take the form of measures that were believed to be opposed to the maintenance of vested interests, and these interests were again bound up with the preservation of an increasingly important industry, the progress was naturally very slow. The identification of "interests" with this system, both by many of its supporters and by many of its opponents, made the struggle for its abolition a very bitter and often a very personal one. Something in common that was dear both to supporters and to opponents had to be touched adversely by the system before there was anything approaching unanimity in regard to its abolition. And this "something" was the honour of Queensland. The scandals that arose because of the doings of labour vessels at New Guinea and adjacent islands, led the two forces into line in 1885. They resolved to issue no more licenses to labour vessels after 1890.

Before 1880, then, a Liberal Government investigated conditions of island labour in Queensland, attempted to consolidate and improve the regulations, but strove in vain to apply them because of strong political opposition. Disclosures of disgraceful conditions on certain plantations, however, compelled the succeeding Conservative Government to pass a new Polynesian Labour Act in 1880.[19] This Act repealed the 1868 Act. It enlarged and amended the former provisions in several very important respects. The regulations issued under it were, however, very laxly carried out. The disgraceful methods resorted to by labour vessels (1882-4) in new recruiting centres caused such general disgust and humiliation that all united in making the supervision and regulation as thorough and as effective as possible. To this end, the principal Act of 1880 was amended in 1884,[20] and again in 1885[21] and 1886.[22]

Public Questionings.

The British legislation of 1872 and 1875 caused no decrease

19. 44 Victoria, C. 17.
20. 47 Victoria, C. 12.
21. 49 Victoria, C. 17.
22. 50 Victoria, C. 6.

in the amount of labour brought to Queensland. On the contrary, to cope with the growing demand, it steadily increased, the numbers that were brought annually growing from 906 in 1871 to 2650 in 1875. Since the trade had now been legalised by both Britain and Queensland, there was less hesitancy about participating in it, and labour-getting became a regular unit in Queensland's industrial system. The appointment of Government agents, the care taken to keep within the new Imperial laws—at any rate as far as could be discovered—caused the importation of labourers to be carried on for a few years quietly and with little hostile comment. Then attention was directed to the system at its Queensland end. How was the Kanaka treated in Queensland? Was he always duly returned according to agreement? Did he get the full value of his small wages? In 1878 the Assistant Immigration Agent and Polynesian Inspector at Maryborough pointed out to the Government what he believed to be matters needing serious attention. His criticism of the system, however, though made to a Government very sympathetic to his attitude, evoked a storm of hostile feeling in the Legislature, and indirectly caused him to lose his position.[23]

The matters to which he directed attention were those that were proved by later events and investigation to be in need of radical improvement. They may accordingly be indicated so as to form the outline for the discussion to follow:—

(1) By the Act of 1868 it was clearly meant to give permission to obtain island labour for tropical and sub-tropical agriculture only. But islanders were engaged in very many other kinds of work.

(2) The treatment of Kanakas was not always as kindly as it should be.

(3) There was no regular system of medical attendance on the different plantations. Medical certificates were not often submitted when deaths were reported.

(4) The plantations were not regularly inspected. Such inspection was expedient, both in the interests of the employers and employees.

(5) Wages were paid at the end of three years, or whenever convenient to the employer. No account was kept of the

23. Mr. Sheridan to Colonial Secretary (Mr. S. Griffith), 28/1/76, Queensland V. & P., 1876, Vol. III., p. 28.

wages due to Polynesians who had died. The practice of depositing the return passage money when the Kanaka was brought had become obsolete.

(6) Was due care taken to ensure the appointment of trustworthy Government agents? Was the practice of giving "trade" for labourers compatible with the principle of "voluntary" recruiting?

(7) No provision was made for the moral or intellectual education of these children of the Pacific—no efforts of any kind were made to continue the teaching begun by the missionaries.

Later on in the same year attention was drawn by the Registrar-General, and also by the Immigration Agent, to the excessive number of deaths among Polynesians in the district of Maryborough. The local police magistrate, assisted by a doctor resident in the district, was instructed to investigate. In their opinion, the Kanakas were well fed, well clothed and well housed, and the number of deaths was due mainly to the climate which was cooler and more changeable than that to which the islanders were accustomed.

But the reports had effectually aroused attention. A Select Committee was forthwith appointed to enquire into the question of Polynesian labour. The Committee examined 24 witnesses, half of whom were employers, and the remainder, with one or two exceptions, Government officers and members of the Legislative Council.[24] As was to be expected, this Committee came to the conclusion that the conditions of Kanaka employment in Queensland were, on the whole, quite satisfactory. They were convinced that recruiting was carried on in a fair way. They had examined many log-books of Government agents, and had taken evidence from these agents—who were not very likely to accuse themselves of wrong-doing. Any abuses then existing they attributed to Fiji. The blame thus gratuitously bestowed on Fiji, a Crown Colony, the Earl of Carnarvon, Secretary of State for the Colonies, promptly refused to shoulder.[25] There

24. Despatch from Earl of Carnarvon to Mr. W. Cairns, 26/3/77, Queensland V. & P., 1877, Vol. 1, p. 861.

25. Despatch from Carnarvon to Cairns, 23/6/77, Queensland V. & P., 1877, Vol. II., p. 861. He was "confident nothing of the kind had occurred since the cession of the Islands to Great Britain." Commodore Wilson later (1881) bore testimony to the unremitting supervision and strict regulations of Sir A. Gordon (Fiji), which had earned for him the compliment of being heartily hated by the planters.

should be no restriction, according to the report, as to the part of the country in which the Kanaka could be employed. The Committee recommended, however, that inspection should be more frequent, that wages should be paid periodically (half-yearly), and that the salaries of the Government agents should be increased, so that they should be less open to influence. No mention was made of the subject of medical attendance.

The Douglas Government had brought before Parliament a Bill making provision for strengthening the weak points of the system—a system which, in the Premier's opinion, was "wrong and utterly rotten."[26] The report of the Select Committee played into the hands of its supporters. But the public conscience had been awakened, and was gradually to grow more sensitive.

Occupations.

The limitation of the range of occupations in which the Pacific Islander could be employed was a matter that did not much affect the conscience of Queensland as far as the Kanaka was concerned, but it had its bearing on the principle of fair play to white labourers. Says Anthony Trollope, a visitor to Queensland in the seventies: "I have seen these men working under various masters and at various employments. No doubt their importance to Queensland mainly attaches to the growth and manufacture of sugar, but they are also engaged on wharves, about the towns, in the meat-preserving establishments, in some instances as shepherds, and occasionally as domestic servants. I have told how I was rowed up the River Mary by a crew of these islanders; they are always clean and bright, and pleasant to be seen."[27] In 1877 there were known to be 1241 Kanakas working farther than 30 miles from the coast.

It was almost as bad for the Kanaka as for the disgusted white competitor that such a state of things should grow up, for it made effective supervision impossible, and such dispersion was not fair to the islander for health reasons. In 1880 it became lawful to bring islanders for tropical and sub-tropical

26. Many years later, when Government Resident of Thursday Island, he wrote (in the "Nineteenth Century Magazine") of "the abominable iniquities connected with the introduction of Pacific Islanders in the early days of its inception, when the enormities of the slave trade were reproduced, with variations which only feebly differentiated it from its African prototype" (quoted by Deakin, 29/9/02, Commonwealth Parliamentary Papers, 1902, No. 15).

27. "New South Wales and Queensland" (1875), p. 169, Anthony Trollope.

agriculture only. This limitation did not apply, however, to Kanakas whose period of service had expired, a fair number of whom remained in Queensland. "Tropical and sub-tropical agriculture" came to be a phrase having a very wide connotation. There were some who thought that such restriction was "interfering with the rights of colonists, as British subjects, to employ what labour they thought fit."[28] The Amending Act of 1884 carefully defined the terms of the restriction, and the area of its application. Those whose terms of service had expired were also brought under the provision. From that time onward it was fairly rigidly enforced, despite protests.

Treatment.

Where no regulations existed in regard to the treatment of Kanakas, and inspection was irregular or altogether absent, the islanders were sure to receive from their various masters treatment almost as diverse as had been meted out to slaves in America. As a rule, it was humane. On the whole the food given was ample, and the clothing sufficient, except in winter. Many of the huts provided on the plantations, even the best of them, were left unoccupied, for the natives preferred to live in grass huts which they themselves built after their own fashion. In these they liked to huddle, smoke-filled and insanitary as they were. Still, many were physically improved after their period of service, and seemed contented and happy enough on the plantations. From the beginning liquor had very wisely been prohibited.

Mortality.

But modified Legrees were not absent in Queensland, as elsewhere. These were not to be found among the resident planter class. But sometimes large estates were owned by companies. As long as satisfactory profits came from these, the absentee shareholders were not likely to be very anxious about the well-being of those whose labour produced the profits. On certain of these estates in Maryborough the mortality was appalling.[29] The average mortality on these plantations for the five

28. Petition from planters in Maryborough district (Queensland V. & P., 1876, Vol. III., p. 157).
29. Report, 1880, of Drs. Wray and Thomson, an Appendix to Commodore Wilson's report, 1881.

years ending March, 1880, was 92 per 1000, and for the year 1879, 107 per 1000. The death rate in the colony for the year 1880, between the ages of 15 and 35, and exclusive of Polynesians, was 13.03 per 1000, and that of Polynesians for the same year was 62.89 per 1000.[30] On the occasion of an inspection of the largest plantation in 1880, though 26 Kanakas were sick, and four, if not actually dying, were very dangerously ill, no medical man was attending them.[31] In not one case of the 443 deaths which occurred during the five years beginning 1875, on ten plantations in the Maryborough district, was a medical certificate of death forwarded to the Registrar—nor had this ever been done in the whole district, unless the Kanaka had died in the local hospital.

Maryborough district seems to have had the highest death rate, but the mortality among the Kanakas in Queensland was everywhere deplorable. The average mortality of Polynesians in the colony from 1875 to 1878 was 70.9 per 1000. It must be remembered, too, that this was the reported number of deaths. "Many deaths, unreported to the Immigration Officer or to any Government department, must have occurred, as they still occur," wrote the Chief Immigration Officer, "in order to account for the great difference between the totals of arrivals and departures, even after making allowance for the number remaining for long periods in the Colony, and for those who may have proceeded to other Colonies, as not being employed under the provisions of the Act." [32]

Did the change of climate alone account for such a number of deaths? [33] In the more southern districts it was indeed responsible for a great amount of pulmonary consumption among the Kanakas. And recruits were brought during the winter, as well as during the summer months. On some plantations it was found that the labourers were not well enough supplied with blankets and clothing. The restriction of Polynesians to tropical and sub-tropical field work, though not made for any such purpose, was a very beneficial measure from the point of view of their health.

30. Registrar-General's report for 1880, quoted in paper by Baron Miklouho-Maclay, Appendix to Commodore Wilson's Report, 1881.
31. Report, Drs. Wray and Thomson.
32. Returns (Queensland's Immigration Agent), British Parliamentary Papers, 1877, Vol. LXI., Nos. 29 and 29[1]).
33. See Drs. Wray and Thomson's report.

In the next place, the change of food, and on some plantations carelessness in the provision of pure water, were responsible for much dysentery and typhoid among the islanders. When ill in strange surroundings, and in some cases with few, if any, to whom they could speak, the unfortunates lost heart altogether and made no effort to recover. Sometimes the food provided was not suitable, nor was there always enough variety.

Thirdly, for long many of the recruits brought were too young. The legal age was sixteen years. But Captain Wawn tells how on his voyage in 1875 he brought several Kanakas who he knew were too young, but whom he knew there would be no difficulty in passing—he would not have tried it, he says, after 1884.[34] The labour vessel, "Janet," visited by Drs. Wray and Thomson in 1880, brought 108 recruits, of whom 29 had been refused by the Immigration Officer as unfit for plantation work, most of them because they were too young. By the regulations of 1884 new arrivals were subjected to a medical inspection,[35] and the unfit had to be carried back at the expense of the owner of the vessel. The long hours of continuous work up to 1880—they averaged about ten hours per day—were too heavy for the young, and in many cases could only have one result. Those under the age of sixteen had been allowed to come if accompanied by their father or brother. But the concession was much abused.[36]

And lastly, adequate care for the sick was lacking on many plantations. A "hospital" was indeed erected on most of them, but often it was too small to accommodate a reasonable percentage of the islanders if it should be needed; blankets and bedding were generally conspicuous by their absence. Competent nursing, or often nursing of any sort, was too much to be expected for savages, though they produced the wealth which others enjoyed. Many of the planters paid an annual fee to a local doctor to visit the plantation when needed.[37]

34. "The South Sea Islands and Queensland Labour Trade," 1893, pp. 75-6, Captain Wawn; see also paper by Baron Miklouho-Maclay (Russian scientist and traveller in South Pacific), Appendix to Commodore Wilson's Report, 1881.

35. Regulations published in Queensland Government Gazette, 18/4/84. For collection of Polynesian Acts, 1880 to 1886, inclusive, and regulations issued thereunder, see British Parliamentary Paper, 1892, Vol. LVI., C. 6686.

36. Immigration Agent on Drs. Wray and Thomson's Report, Appendix to Commodore Wilson's Report, 1881.

37. It should always be remembered that there were employers of Polynesian labour whose humanity made Government regulation and inspection unnecessary. But unfortunately there were others who would, and did, take mean advantage of the utter dependence of the islanders upon them.

In 1877, after the mortality was startlingly disclosed by various reports, an attempt was made to follow the suggestion that had been put forward by the Assistant Immigration Agent at Maryborough—the erection of separate hospitals for Kanakas, the upkeep to be met by a fund made up from a capitation fee and the wages due to deceased islanders. Planters held a meeting about the matter. The Government promised to subsidise their efforts. But after a time the subject was dropped, and nothing further was done.

The report of Drs. Wray and Thomson disclosing the scandalous state of things in the Maryborough district in 1880—the second largest centre of Kanaka labour—and the interest that Britain was now taking in the matter, for the disclosures had filtered thither, caused clauses to be inserted in the Polynesian Act of 1880 providing for the establishment of hospitals in given districts. Resident surgeons were to be appointed, and 10/- per labourer exacted for their support. By the same Act the wages due to deceased Kanakas were to be paid to the Immigration Agent or to the local Polynesian Inspector, to become part of the hospital moneys. Not till 1884, however, was the establishment of hospitals carried on with much energy. It was found, after a short trial, that their upkeep cost far more than the sum provided, even though the capitation fee had been raised to £1.[38] In one district a system of medical inspection had been introduced with success, and this gradually took the place of hospital treatment throughout the areas where island labour was employed.

The measures taken resulted in a small but continuous decrease in the mortality. Still it always remained enormously high in comparison with that of the white population. From 1885 to 1890 the death rate was 66 per 1000—leaving out a year of measles epidemic.[39] From data supplied by a Return, 12th July, 1889, Mr. Drake, a member of the Queensland Legislature in 1892, quoted figures from which it may be calculated that the reported average mortality of Kanakas from the time of their introduction to the date of the return was almost 180 per 1000, while that of whites, between the ages of 15 and 35, was about

38. By the Act of 1885 (19 Victoria, C. 17).
39. Figures quoted from Return by Mr. Dakheld, in Queensland Legislative Assembly, April, 1892 (Parliamentary Debates, 1892, Vol. 67, p. 173).

5.6 per 1000.[40] The question inevitably arises whether the death roll of white men engaged in the same work would have been as long.

Cost of Kanaka Labour.

The cost of Kanaka labour varied during the different periods. This labour was not as cheap as might first appear. The wages paid were £6 a year. For each islander brought a fee of 30/- was exacted in 1880. In 1885 this fee was raised to £3. Then there was the £1 capitation fee for the hospital, the £5 return money, and £1 for payment of Government agents. The "passage money" paid on the arrival of the islanders varied according to the demand and the risk involved.[41] It sometimes averaged as much as £20. Then there was the cost of the Kanakas on the plantations for three years. So a statement that Kanaka labour cost 4d. a day gives a very inaccurate idea of the actual expense. Still, in comparison with white labour, it was very cheap, and, after the first few months, fairly satisfactory.

Supervision.

In 1886, the abuses connected with the treatment of Kanakas was not only minimised as far as possible by legislation, but by supervision also. A permanent body of Polynesian Inspectors was appointed, and in some places Assistant Inspectors as well. The Kanakas were paid in coin in the presence of these officials, at first yearly, then half-yearly, and the islanders were encouraged to have their wages placed for them in the Savings Bank. When about to return to their homes they invested it in a quaint assortment of articles. Too often they were the victims of unscrupulous dealing on the part of the shopkeepers.[42]

Recruiting During this Period.

The more careful regulation and supervision of the system

40. Mr. Drake, p. 103, ibid. Mr. Deakin, when Prime Minister of Australia, stated that the average mortality was almost 200 per 1000 (Commonwealth Parliamentary Papers, 1902, No. 15).

41. Governor of Fiji to Secretary of State for Colony, 23/2/82 (British Parliamentary Paper, 1883, Vol. XLVII., No. 3641).

42. A zealous immigration agent at Maryborough took the trouble to have examined by an expert articles belonging to a number of islanders ready to depart. It was found that an average of 25 per cent. more than was fair had been charged. Baron Miklouho-Maclay, discussing the Kanaka question, gives a very instructive note, on p. 13, concerning their pay. (Appendix to Commodore Wilson's Report, 1881).

was carried out not only at the Queensland end but at the island end also. From 1884 labour vessels could easily be distinguished from others by the natives. They were painted white with a black band, and a black ball had to be hoisted at the main masthead while they were recruiting.[43] Their boats were red, Captain Wawn says. Incentive to fraud or force was removed by the requirement that "all persons employed in labour ships" should be paid fixed salaries.[44] Moreover, the masters of labour vessels and the recruiting agents had to be approved by the Government—a proceeding which at least necessitated some evidence of good character. The masters that were found to have countenanced illegal recruiting in 1884 were forbidden to be employed on labour vessels.[45] All trading by labour vessels was put under the supervision of the Government agent.[46] In this way the reformers sought to eliminate the most objectionable features of "present" giving while recruiting was going on. The giving of these presents had been forbidden, but it seems that the prohibition could not be carried out in its entirety. It was feared, and with reason, that present-giving was too often merely a euphemistic term for "buying," though it was urged, even by the Immigration Agent, that it was merely a "ratification" of the agreement made. It may have been so in the eyes of Europeans, but it is very doubtful if it ever had that significance for the natives, especially when it is remembered that the "present" was always left with the relatives of the recruit.

The powers of a Government agent were wide. The master had to obey his directions. He could stop the work of the labour vessel and send it home if the regulations were being infringed. But his position was a trying one. Unless the master were as scrupulous as the Government agent was supposed to be, he was apt to regard the latter in the light of a natural enemy. The finest type of man was needed for agent's work, but it was hardly to be expected that such men would care to go in labour vessels, especially in view of the very inadequate salaries paid to them.

43. Regulation 6, 1884 (Queensland Government Gazette, 18/4/84).
44. 47 Victoria C. 12, Clause 7.
45. Unfortunately, as was too often the case during this period, their prohibition was regarded as a mere party act, and it was withdrawn, in at any rate some of the cases, on a change of Government.
46. Regulation 11, 1884.

That the Government agents were too often the wrong type of man, and that careful rules could be useless where there was little risk of detection, was seen from the doings of labour vessels recruiting at New Guinea in 1884. These proceedings show, too, what must have been the nature of the recruiting at other centres in the earlier days, especially up to 1872, when there were no Government agents, weak and unscrupulous though some of these proved themselves to be. In these centres there was no British Deputy Commissioner,[47] and no German Commissioner[48] to make unpleasant representations—only missionaries of British spirit, whose allegations were no doubt "rather a reflex of their fears" than statements of "actual facts."[49]

The New Guinea Scandals.

What had been going on in New Guinea? General attention had been directed to this and the adjacent islands in the early eighties. Strong feeling was stirring over the question of its annexation. The New Hebrides and the Solomon Groups had been exploited so long for labourers that it was becoming difficult to fill the labour vessels from tribes near the coast. And the demand for Kanakas was keener than ever,[50] for in the early eighties there was a great development in the sugar-growing industry in Queensland. So, from the end of 1882, labour vessels first went to New Britain and New Ireland, the Louisiade Archipelago and adjacent islands, and then, in 1884, to the coast of New Guinea itself.[51]

The islanders were quickly and apparently easily obtained. But Queensland soon stood aghast at the abuses that came to light. Her attention was drawn to them in very unpleasant

47. Hugh H. Romilly, Deputy Commissioner for Western Pacific, reported to the Acting High Commissioner the proceedings of labour vessels coming to the neighbourhood of New Britain, where he was stationed, 15/9/83 (Queensland V. & P., 1884, Vol. II., pp. 816-19).

48. Communication from German Foreign Office to British Foreign Office, 4/9/83, a sub-enclosure in Despatch from Secretary of State to Governor of Queensland, 8/3/84 (Ibid, p. 813)..

49. Acting-Commissioner Thurston, of Fiji, in answer to Circular, 8/7/88, from Foreign Office to Consuls in Pacific (British Parl. Papers, 1871, Vol. XLVIII., No. 468). Long experience in the Pacific caused him to change his opinion entirely. (25/8/92, British Parl. Papers, 1893-4, Vol. LXI., C. 7000, and 22/11/93, British Parl. Papers, 1895, Vol. LXX., C. 7912).

50. For the four years ending 30/6/84, 15,380 islanders were brought to the colony, of whom 5273 came in 1883 (Return, Queensland V. & P., 1884, Vol. II., p. 769).

51. Some suspicion was expressed in the British Press that Queensland's anxiety for the annexation of New Guinea was not wholly for strategic reasons. The implied motive was indignantly repudiated by Queensland.

fashion. In September, 1883, Germany informed Britain that "the good relations hitherto subsisting between German traders and natives of those localities (New Britain and New Ireland) have been disturbed by the abuses and excesses committed by English labour recruiting expeditions, and unless a timely check is put upon such proceedings, serious danger to the life and property of German residents in those parts is to be apprehended."[52] Germany, therefore, called upon Britain to co-operate "to prevent any transgression at the limit which divides the lawful labour traffic of Polynesians from slave trading." At the same time came details of violence and deception in New Britain. The Rev. James Chalmers also corroborated the stories of irregularities, this time on the New Guinea coast, and bestowed on Queensland a very plain statement of what, in his opinion, was her duty in the matter.[53]

Very different was Queensland's attitude to such representations now. No excuses were sought. The Griffiths Government was "deeply sensible of the scandal that had been brought upon the Colony and the British flag by the want of due supervision of the Pacific labour trade, and is firmly resolved that if their endeavours to remove the cause of the scandals prove ineffectual no alternative will be left but to put an end to the trade itself by refusing to issue certain licences."[54] Recruiting in New Guinea was forbidden in June. When Commodore Erskine went to New Guinea a few months later, formally to annex the southern part of the island, some of the chiefs and peoples urged him to send back their friends and relatives who had gone to Queensland under the false impression that they were going away for three months. In view of their belief, the Commodore represented that their request for the return of their countrymen was only "just and reasonable." He pointed out, too, that their return would remove the only

52. Communication from German Foreign Office to British Foreign Office, 4/9/83, sub-enclosure in enclosure one in Despatch from Secretary of State (Derby) to Governor of Queensland, 8/3/84 (Queensland V. & P., 1884, Vol. II., p. 813).

53. Dr. Chalmers to Colonial Secretary of Queensland, 28/4/84 (V. & P., 1884, Vol. II., p. 738).

54. S. W. Griffith (Premier) to Governor, 7/5/84 (Queensland V. & P., 1884, Vol. II., p. 819).

obstacle in the way of establishment of friendly relations just at the beginning of British rule in New Guinea.[55]

Royal Commission Investigates.

Apparently in response to Commodore Erskine's representations, the Queensland Government appointed a Royal Commission at the end of December, 1884, to enquire into the circumstances under which natives from New Guinea had been brought to the Colony. The investigation was most thorough, every one of the hundreds of natives from New Guinea being examined by the aid of interpreters brought for the purpose. Every facility was afforded by the employers.

The Commissioners found that the natives from New Guinea had been obtained by the same methods as characterised recruiting in the earlier years of the system. The islanders had been decoyed away with promises and presents under the impression that they were leaving their homes for a short time only. On one vessel dastardly methods of kidnapping had been resorted to, and murder had taken place.[56] Under the most favourable circumstances, the natives had very little conception of the real purpose for which they were invited on board or engaged to go in a ship to Queensland. Sometimes there had been no interpreter. Little care seemed to have been taken to make the natives understand, even when there had been one. The regulation that the Government agent should be present at all recruiting was "more honoured in the breach than in the observance." One agent was too frequently under the influence of liquor; some were inefficient and incapable. They were indeed to a great extent at the mercy of interpreters, but the Commis-

55. "The establishment of the Protectorate which it has been my privilege to proclaim, has been well received by the natives of New Guinea, and starts under favourable circumstances," he reported. "There are no land claims or other complications to unravel or decide; there is no foreign element to disturb our administration, and no intoxicating liquors or firearms have as yet been introduced; and, lastly, the natives have shown implicit trust and confidence in the protecting arm of Great Britain, and in the justice and humanity which they look for at their hands. I, therefore, urgently appeal to H.M's. Government to remove the only obstacle which remains in the way of friendly relations, and the just cause of complaint which they would otherwise continue to foster, and which they would not unnaturally in all probability take every opportunity to revenge." (Report, 2/12/84, enclosure in communication from Admiralty to Colonial Office, 19/1/85, British Parliamentary Paper on New Guinea, February, 1885, C. 4273, Vol. LIV.).

56. "The history of the cruise of the 'Hopeful' is one long record of deceit, cruel treachery, deliberate kidnapping and cold-blooded murder." (Report—See British Parliamentary Paper, C. 4584, of 1885; also V. & P., Queensland, 1885, Vol. II.) Several concerned were convicted and imprisoned; they were released in 1890, after the presentation of a petition signed by about 27,000 people.

sioners were of opinion that they allowed themselves to be needlessly deceived. On the arrival of the islanders, the Polynesian Inspectors were found to have done their duty more conscientiously, but, as the result proved, even they did not find out that the natives had in many cases not come voluntarily, and that there had been illegal recruiting. On arrival in Queensland, labour vessels were supposed by regulation to have an interpreter on board. But on some of the vessels returning from New Guinea, there had been no interpreter. Yet no exception had been taken at the time to this omission. Some brought to Queensland the same interpreter as had been employed at New Guinea, who coolly deceived the inspecting officer as he had deceived the Government agent and the recruits.[57] The natives seem to have accepted as inevitable whatever the "big Government master" said, and their only resource was "to go below and cry."

On receiving the report, the Government at once decided to send back all the natives brought from the coast of New Guinea. Accordingly, 405 were sent home in charge of Mr. Romilly and Mr. Chester (Police Magistrate at Thursday Island). Most of the planters gave them up unwillingly, and for the most part the men were put on board by the police.[58] "In their hearts they (the planters) know the men have been kidnapped, but their hostility to the present Government prevents them from owning it," was Romilly's explanation of their attitude, and probably the right one.

The Kanaka System to End in 1890.

The revelations of the report opened Queensland's eyes to the abuses that were possible even under regulations and would-be careful supervision. The colony determined to end the system altogether in 1890, and an Amending Bill with a clause to that effect was passed. It received the support of Mr. (afterwards Sir) T. McIlwraith, the leader of the party that had advocated the use of coloured labour, at least for the earlier

57. Till after this investigation, the interpreters received pay according to the number of recruits obtained. They took no pains, therefore, to make natives understand the nature of the work for which they went to Queensland; they were "to go and work on the ship," "to sail about," "to go and see white man's country," "to go to Queensland to work," and so forth. (Report.)

58. "Letters from the Western Pacific and Mashonaland" (1893), p. 221, H. H. Romilly

development of the colony. This party supported the abolition of the system on the ground that no matter how it affected Queensland's economic development, the good name of the colony made it necessary. During the interim, regulations were enforced as stringently as possible.

Altogether there had come to Queensland since the commencement of the traffic between 46,000 and 47,000 Kanakas.[59] Of these, in 1891 there remained 9362 in Queensland.[60]

59. Between 1863 and 1891, inclusive, 46,387.
60. Annual Report of Department of Pacific Islands Immigration, 1890 (there was a separate Department for conduct of this immigration from 1888 onward). British Parliamentary Paper, 1892, V. LVI., C. 6686.

Chaprer 9.—THE LAST DECADE OF THE KANAKA SYSTEM AND ITS ABOLITION.

The Kanaka System Continued After 1890.

It had been hoped that during the five years 1885-90 the subdivision of large cane-growing estates into farms small enough to need the labour only of their tenants or owners would have made good advance. Such small growers had begun to take part in the industry, and to sell their cane to mill-owners, some of whom were inclined to confine their efforts more and more to the manufacture of sugar, and to leave the cane-growing to others. The Government after 1885 had advanced sums of money for the erection of co-operative sugar mills. The small grower had found it hard to produce the cane at a profit, the mill-owner to whom he sold it having the advantage of the profit from his own cane fields as well as from the mill.

The Situation in 1892.

It was thought that during the transition stage the necessary labour could be brought from Europe under reasonable contract, on the understanding that after the contract period when the immigrants understood cane growing, they should be placed upon land to be sold or leased to them on very easy terms. The Government was prepared to do all in its power to facilitate such immigration. But the hope that by 1890 the gradual settlement of a class of small farmers, together with a number of immigrant labourers prepared to work under contract for a few years at reasonable wages, would be large enough to tide over the transition from black to white labour, was not realised. Both the planters and the workers threw obstacles in the way. They refused to submerge their class interests sufficiently to assist a plan having for its object the preservation and development along democratic lines of an industry vital to Queensland's prosperity. Compromise was needed, but in the increasingly bitter class struggle, neither side was willing to make it, nor to co-operate with the Government in their efforts to obtain white labourers.

For a few years after 1885, some of the planters deliberately set themselves to work to prevent any labourers from being obtained from Europe, in the hope of forcing a renewal of the island labour traffic. They caused statements to be circulated in various continental countries to the effect that the work of cane cultivation in Queensland was unfit for white men, that the wages the sugar industry could pay would reduce them almost to servitude—on no account should they come to Queensland to take up such work. The statements were put in widely-read German and Danish newspapers, and it is said that even emissaries were sent.[1]

The efforts of the planters were seconded by the Queensland workers, though with a very different object. They wished to keep out a class of people who by accepting low rates for a time would, they believed, be formidable competitors in the labour market. They would be a drag, too, on their attempts to set up a higher standard of wages. They therefore rendered nugatory a last attempt of the Government to supply the necessary labour. Under special arrangements with the Italian Government, 350 agricultural labourers from Piedmont were brought to Queensland, in spite of the absurd representations made by the Labor Federation to stop them.[2]

But the workers effected their purpose after the arrival of these immigrants. The Italians were induced to break their contracts and leave the plantations.

Meanwhile the commercial depression so widespread in Australia at this time was beginning to make itself felt, and there were many unemployed. The planters induced some of these unemployed to take up work in the Bundaberg district at £1 a week and rations. Emissaries from the unions appeared, sowed distrust and discontent, and the workers returned to Brisbane to demand bread or employment.

The position was, then, that white men refused to work on the sugar plantations, or they were prohibited by the union rules from accepting wages which it was then believed were all that the industry could bear. The use of Kanaka labour was about to cease. Some of the largest mills were closing. Under the cir-

1. Mr. Griffith, 1888, quoted by Mr. Draké in Legislative Assembly, April, 1892 (Parliamentary Debates, Vol. 67, p. 144).
2. "Polynesian Labour and the New Trades Unionism," Kinnaird Rose in "Re-introduction of Labour into Queensland" (1892), James T. Critchell.

cumstances, it was felt that the result of abolishing the Kanaka system would be that one-fourth of the agricultural land under cultivation in Queensland would be rendered partly unproductive; many then employed would be thrown out of work; and the ruin or at least the embarassment of a great industry would seriously affect the prosperity of the colony, thus indirectly being the cause of much distress. Was the £6,000,000 invested in the industry to remain worse than idle? So the position appeared to the Queensland Government. "No sane, no honest Government could calmly face the impending crushing ruin, the destruction of a great industry, the throwing (wholly or partially) idle of thousands of the best and most active of the population. It would be a blow to commercial prosperity from which it would take generations to recover. The obvious course was to preserve the available Kanaka labour, and renew the Polynesian Labour Act."[3]

The Government under Griffith took the "obvious course," in the belief that in a few years—perhaps ten—the process of subdividing large estates into small areas would be complete, and the sugar industry would be in the hands of independent white workers. Thus Griffith, always an opponent of the proposed indentured Asiatic labour, and one who had perhaps done more, politically, than any other to bring Kanaka immigration to an end, revived it temporarily. To many it seemed "astounding inconsistency and want of continuity of purpose."[4] But at least it must be conceded that Mr. Griffith acted with honesty of purpose throughout. There is no doubt the revival of the traffic arrested to some extent the process of subdivision that had begun.

Public Opinion and the Revival of the System.

The Act renewing Kanaka labour passed readily through both Houses of the Queensland Legislature. In 1889 two out of the three Commissioners appointed to inquire into the conditions of the sugar industry in relation to the forthcoming abolition of coloured labour had recommended that immigration from the islands be allowed to continue for five years longer. But a motion to that effect in the Legislative Assembly had been lost.

3. Kinnaird Rose, as before.
4. "Queensland Politics During 60 Years" (1919), p. 72, Ch. Arrowsmith Bernays.

In 1892, however, no large section opposed it. The greatest opposition to its renewal came from the other Australian Colonies, and from the press and philanthropic bodies in England.

As was to be expected, many of the same arguments that had been urged against its legalisation in 1868 were now raised against its revival. And with reason, for the worst fears of its earliest opponents had been realised. The Presbyterian Mission, in its widely circulated and emphatic protest, seems to have expressed the incontrovertible objection to the traffic: "It cannot be carried on with justice to the natives, nor with honour to the British nation."[5] British authorities, with the longest experience on the Pacific and the most thorough knowledge of its effects there, regretted the renewal mainly because of the serious depopulation of the islands it involved. Thus spoke Sir John Thurston, than whom no one was more qualified to speak of the Pacific, for he had had a lifetime's experience there in various responsible positions.[6] So wrote Sir Arthur Gordon, the former High Commissioner of the Western Pacific.[7] To them it seemed that a colonial industry was being bolstered up at the expense of the life of a race of people. Rear-Admiral Sir Charles Scott, of the Australian Squadron, regretted that labourers were to be again recruited from islands that had no form of Government to look after the interests of the natives. In answer to a communication from Queensland that had been sent to him and to the High Commissioner asking for any suggestions for the prevention of abuses, he stated what had been urged almost at the very beginning of the traffic, the desirability of establishing Government depots as recruiting centres in the islands.[8] The suggestion was emphasised by Bishop Selwyn, formerly of the Melanesian Mission, who thought that by this obviation of the element of personal gain in the work of recruiting, the system might be made mutually beneficial to the Pacific Islands and to Queensland.[9] This course was again urged on the Queensland Government in 1895 by Bishop Cecil Wilson, of Melanesia, who visited Queens-

5. Enclosure in Despatch from Sir H. Norman, Governor of Queensland, to Secretary of State, 11/8/92 (British Parliamentary Papers, 1893-4, Vol. LXI., C. 7000.

6. Sir J. Thurston, 25/8/92 (Ibid).

7. Letter to "Times," 7/6/92, by Sir A. Gordon.

8. Rear-Admiral Sir C. Scott to Governor of Queensland, enclosure in Despatch of latter to Secretary of State, 21/3/92 (British Parliamentary Papers, 1892, Vol. LVI., C. 6686.

9. Letter to editor of "Guardian," 4/5/92 (Ibid).

land for that purpose. Like Bishop Selwyn, he was of the opinion that island labour-getting should be carried on by the Government in its own vessels, or it should not be carried on at all.[10]

Queensland, however, feared that the placing of Government agents in unannexed lands would involve their occupation. It seemed to her that such appointments in the New Hebrides would be inconsistent with the spirit of the engagement entered into by Great Britain with France concerning the independence of these islands. Again Queensland put forward the weak argument—in connection with island labour—that it was not the function of the State to provide labour for private employers, though they might legalise and condition certain methods of obtaining it.[11]

What did the British Government think of the renewal of the traffic? They were sensible of the objections to the system, but it was difficult to interfere with it without some very strong grounds for doing so after it had been legal for nearly 20 years.[12] And since 1884 Queensland's regulations had worked satisfactorily. At all events, between 1885 and 1891 the naval and civil authorities had found no instance of outrage upon or injustice to natives by a Queensland recruiting vessel. And it was a delicate matter to interfere with the plans of a self-governing Colony.[13]

The importation of Kanaka labour, then, was continued by Queensland. It was introduced under the old law, but under a new code of regulations. The employment of Kanakas was still further restricted. Very careful was the supervision. The Secretary of State for the Colonies was kept informed (at his own request) of all the details of the system, for he knew that he or his colleagues would have to answer searching questions concerning it in the House of Commons. Abuses were reduced

10. See British Parliamentary Paper, 1895, Vol. LXX., C. 7912.
11. Colonial Secretary to Governor, 1/8/75, enclosure in Despatch to Colonial Office (British Parliamentary Paper, 1895, Vol. LXX., C. 7912).
12. "If, indeed, the question to be determined by His Majesty's Government were the general one, whether the recruiting of labour in the South Seas should be prevented, and if it were practicable to prevent it, His Lordship would be disposed to hold that the best, or, at all events, the safest course in the interests of the natives would be to prohibit such recruiting altogether. The question, however, does not come before His Majesty's Government in that shape . . . . . and the matter cannot be disposed of entirely on general principles." (From the Colonial Office to Committee of Anti-Slavery Society, 7/10/92, British Parliamentary Paper, 1893-4, Vol. LXI., C. 7000).
13. Ibid.

to a minimum. But in such a system it was impossible to eliminate them altogether. One still notes an instance of the return of men to the wrong place [14] because of lack of the necessary care, of illegal recruiting,[15] of kidnapping.[16] The thankful reception of all voluntary recruits, regardless of the wishes of those left behind,[17] led to frequent firing on boats.[18]

In Queensland there was little if anything to complain of. The inspection was frequent and careful. Some interest was taken now in the moral and intellectual advancement of the Kanakas. Not till about 1888 had anything been done to carry on the work begun by the missionaries in the islands. But during the last period, on nearly all plantations a building was erected in which were held religious services and sometimes evening classes for the Kanakas. To this mission work most of the planters subscribed.

The number of islanders brought to Queensland from 1892 to 1900 was about 11,000. The mortality, though much less than at previous periods, was still about four tmies as heavy as that of the white population.[19]

The development of the sugar industry during this period can be seen by a glance at the area under cultivation. In 1871 there were 9581 acres; in 1881, 28,026 acres; in 1898, 111,012 acres, and the sugar produced in that year was valued at £1,300,000.[20]

On the formation of the Commonwealth in 1901, steps were immediately taken to put an end to the system of island labour, for the Commonwealth was determined on a White Australia policy. The general principles of the Pacific Island Labourers' Act of 1901 [21] were endorsed without a division in the Federal Parliament, the only difference that arose being about the length of time that should be allowed to elapse before the employment of Kanakas ceased. The Act gave the Federal authorities power to deport any Kanaka found in Australia after December, 1906.

14. Sir J. Thurston to Marquis of Ripon, 19/5/94 (British Parliamentary Paper, 1895, Vol. LXX., C. 7912).
15. Ibid.
16. Sir H. Norman to Ripon, 3/5/95 (Ibid).
17. Reported by "The Helena," 14/8/94, enclosure in Despatch (Ibid).
18. Norman to Ripon, 3/5/95 (Ibid).
19. In 1892 it was 47.74, the whites 12.06. In 1893 it was 52.57, the whites 13.3, including men, women and children. (From "Sydney Daily Telegraph," 14/2/94, enclosure in Despatch, Thurston to Ripon, Ibid).
20. "Our First Half Century," issued by Queensland Government, 1909, p. 137.
21. No. 16 of 1901.

After March, 1904, no more Kanakas were to be introduced, and only a limited number of licenses to import these labourers were to be issued for 1902 and 1903. The Government of Queensland pleaded for an investigation by a Royal Commission into all the circumstances connected with tropical agriculture, for they thought the legislation was unnecessarily hasty. However, such a Commission was not felt to be necessary.

Were all Kanakas to be sent from Australia, or were there some for whom such deportation would be a hardship and an injustice? A petition purporting to be signed by 3000 Kanakas was sent to the British Government in 1902, begging for the disallowance of the Commonwealth Act on the ground of the hardship it inflicted on those already in Queensland. The Aborigines Protection Society interested itself in the matter, and questions were asked in the British Parliament. The petition, however, seems to have been only "part of a long-continued and well-organised effort on the part of interested persons in Queensland, supported and encouraged by the existing Government of that State, to thwart the wishes not only of a large majority of the people of Australia but also of the people of Queensland itself."[22] How could Kanakas, unorganised, speaking different languages, and belonging to different tribes without community of feeling, be instrumental in producing such a document?[23] The Commonwealth quickly satisfied the Colonial Office of its determination to carry out the deportation with every consideration. ". . . . The Commonwealth Government will endeavour so to provide that whenever the closing scenes in the Kanaka employment on the plantations in Queensland arrive, they shall be accompanied by none of the cruelties and barbarities with which it was initiated," wrote Mr. Deakin. "The wishes of the islanders themselves, whether expressed in the petition or not, will obtain special and anxious attention. It is no part of the policy of Parliament to punish them or permit them to suffer for the faults and mistakes of those responsible for their importation into the Commonwealth. On the contrary, it is hoped that whenever deportation may be found to be necessary it will be accomplished so as to ensure the safety and, as

22. Mr. Alfred Deakin to Mr. Joseph Chamberlain, commenting on petition, 28/9/02 (Commonwealth Parliamentary Paper, 1902, No. 15).
23. Ibid.

far as possible, the future welfare of those towards whom Queensland has contracted obligations which Australia is bound to fulfil."[24]

And so it was done. British residents in the Solomons and New Hebrides were asked to co-operate as far as possible with the Commonwealth Government in arranging for the repatriation of islanders from Australia.[25] The Resident Commissioner of the Solomon Islands offered to reserve certain areas where natives who were unable to return with safety to their own homes could form settlements. A Royal Commission was held in April, 1906, to inquire into and report upon the question of the repatriation of the islanders and the supply of labour for the sugar industry. It was found that 320 of these workers had filtered down to the sugar growing districts of the north coast of New South Wales. In Queensland at the end of 1906 there were about 4000 Kanakas to be sent back, and 691 who held certificates of exemption which excluded them from the operation of the Commonwealth Act.

The Commissioners reported that there were some whose deportation would be inconsistent with humanity and with good faith. There were those, for instance, whose lives would be endangered by being sent back to the islands. Some had left their homes because of a breach of some tribal law, or to escape from their enemies. Some had been in Queensland so long that they would be complete strangers in their own villages, and would find it very difficult again to subsist on native food. Others were too old or too infirm to earn their own livelihood. A few had married women who were not islanders, or island women whom by their customs they could not marry, and to send away the Kanaka who held leasehold or freehold land would be felt as an act of injustice and oppression.

The Commonwealth, therefore, passed another Pacific Island Labourers Act in 1906,[26] which exempted from deportation all who were in Queensland before October, 1879, those who had lived there continuously for 20 years, those whose return because of their marriage involved risk either to themselves or their

24. Ibid.
25. Mr. Chamberlain to Acting Governor-General, Lord Tennyson, 14/11/02 (Ibid).
26. No. 22 of 1906.

families, the very old and infirm, and the owner of freehold land.

The deportation was carried out at the end of 1906 and the beginning of 1907. At Queensland's suggestion, the arrangements for this were made by the Commonwealth,[27] for some of the Kanakas, though brought by Queensland, had drifted to other States, and over them the Government of Queensland had no authority. Only the Commonwealth, too, could compel to leave Australia any who might object. The deportation involved relations with external Governments, and the Commonwealth Government was the proper authority to deal with these. Lastly, the Commonwealth subsidised and controlled the movement of certain steamers which plied between Australia and the islands to which the Kanakas were to be returned, and more reasonable terms for carrying out the work could be made with these ships than with others.[28] Queensland, however, did all in her power to facilitate the work. She placed the staff of the Immigration Department at the disposal of the Commonwealth, and handed over the £5 per head return money paid into the Islanders' Fund by employers. The work was quickly and smoothly carried out. Commonwealth agents visited the islands with the Kanakas, and saw that they were returned to their own homes.

Three thousand six hundred and forty-two islanders were repatriated, at a total cost of £31,473, of which Queensland provided £17,570.

Australia's decision to end the Kanaka labour system and to allow no more indentured cheap labour into the country left her with a problem. How was the sugar industry which was so valuable to Queensland to be preserved and further developed? Some protection was necessary, otherwise the importation of sugar grown by cheap labour elsewhere would kill the industry. The Commonwealth protected the sugar growers in two ways—it placed a heavy import duty on foreign sugar, and it gave a bounty for sugar grown in Australia by white labour only.[29] The amount paid in bounties for the first seven years

27. Premier of Queensland to Prime Minister, 23/7/06 (Queensland V. & P., 1906, Vol. II., p. 907).
28. Ibid.
29. From an excise duty of £3 a ton, £2 was remitted to the grower who employed white labour only. In 1907, in accordance with the recommendation of a Royal Commission of 1905, the excise was increased to £4, and the rebate to £3.

(1902-9) was £1,060,681.[30] Thus the people pay for their White Australia policy. By 1912 only 4 per cent. of Queensland's sugar was grown by coloured labour. So the second form of protection, the bonus on sugar produced by white labour, was withdrawn in 1913.[31] Queensland in the same year forbade non-Europeans to engage in sugar growing, paying compensation to those who possessed vested interests.

Pearl Fishing.

An industry which the declaration of the national policy of a White Australia caused the Commonwealth authorities to investigate with a view to its continuance by means of white labour only was pearl fishing. This industry is carried on along the north coast of Australia, mainly on the north-west of Western Australia and in Torres Strait, with Broome and Thursday Island as its chief headquarters. It was first begun in and about Torres Strait in 1873 by Europeans who engaged mainland natives, islanders and some Asiatics as "swimming divers."[32] A few white divers taught the South Sea Islanders and Manilamen "dress diving." Their pupils proved so apt that after a short time the instructors found that they could not compete with them, and left. The boats were at first owned by Sydney firms. In 1886 and 1887 coloured seamen began to be placed in charge of the boats, and by 1894 the whites had practically disappeared from the industry.

The Commonwealth did not insist on the language test for pearlers whose indenture went on as before. They came under "permits" as "boats' crews," though they were not actually such till after their arrival.[33] By 1913 pearl diving was carried on almost exclusively by the Japanese, and the boats were manned mainly by Papuans and Malays. The Japanese showed a remarkable aptitude for the work. They were quite fearless, plunging into depths which white divers refused to attempt be-

30. Commonwealth Parliamentary Papers, 1910, Vol. III., No. 27.

31. An Act of 1905 provided for gradual diminution leading to the abolition of excise and bonus, the decrease to begin after 1910. In view of the small amount of coloured labour that by 1912 remained in Queensland, the Royal Commission on the Sugar Industry recommended in that year the immediate abandonment of the bounty protection. This recommendaion was carried into effect the following year.

32. Enquiry by Judge Dashwood, Government Resident at Palmerston, and Mr. M. S. Warton, Resident Magistrate and sub-collector of Customs at Broome (Commonwealth Parliamentary Papers, 1901-2, Vol. II., pp. 985, 1077, Nos. A42 and A43).

33. Progress Report by Royal Commission on the pearling industry (Commonwealth Parliamentary Paper, 1913, Vol. III., No. 54).

cause of the risk involved. The mortality caused by such fearless diving was heavy—a little over 10 per cent.—and the diving often resulted in permanent injuries. The boat building for the industry was almost exclusively Japanese. In 1912 the number of seamen engaged in pearling at Broome was 2054, at Thursday Island about 2030, and at Port Darwin 282.

The Commonwealth determined that no permits should be issued after 1912 except in cases where the diver and the tender of the boat were European. A Royal Commission was set up to investigate the classes of labour engaged, the reasons why European labour had not hitherto been more generally employed, and the practicability of its introduction. The Commissioners at first recommended the conservation of the industry for Australians. They advised the establishment in Australia of a school of diving, and suggested that seamen from the Hebrides who were accustomed to the herring fisheries should be encouraged to take up the work. "Your Commissioners believe that action should be taken to introduce Crofters, to whom the mixed industry of pearl-fishing and farming should, under proper conditions, prove attractive and profitable. The islands in the vicinity of the Commonwealth offer special facilities for this class of immigration. By such means the Commonwealth would be obtaining a sturdy race of British people in a locality sadly in need of population, and would certainly afford better opportunities than have yet been available for introducing white labourers into the pearling industry." [34]

An experiment was made with the object of testing the value of the proposed white labour. Nine white divers and three tenders were brought from Europe under an agreement for 12 months. It was found, however, that they lacked ability to "locate" the shell, and the agreement was broken by mutual consent. The Commissioners in their final report did not persist in their former recommendation. It was concluded that the White Australia policy would not be weakened or imperilled by allowing this industry to continue under the existing conditions, a conclusion strengthened by the disinclination of Australians to take up such risky and uncongenial work.

34. Commonwealth Parliamentary Papers, 1913, Vol. III., No. 54.

SECTION V.

CHAPTER 10.—THE REASONS WHICH ACTUATED THE MAKERS OF THE WHITE AUSTRALIA POLICY.

An attempt will be made in the following pages to summarise the reasons which influenced the Australian people and their leaders to adopt the White Australia policy. Already these reasons have necessarily been touched upon to some extent. But it has been impossible to explain them adequately as the steps in the development of the policy have been sketched, chiefly for the reason that such explanation would have involved constant repetition.

Reasons Underlying Australia's Restrictive Policy the Same from the Very Beginning.

From the time of the fifties, when the Chinese came to Victoria and New South Wales in large numbers, the same fundamental reasons for the adoption of a restrictive policy were put forward by the leaders of the people, as were expressed half a century later by those who finalised the White Australia policy. Further experience of Asiatic immigration, and further consideration of it in relation to Australia's circumstances, only made these reasons appear the sounder to the colonists. They were the more convincing to Australians because of the experiences of other peoples, especially of their cousins in America. The motives underlying the adoption of the policy then can be considered as a whole for the period 1855 to 1901.

It has been noticed in the preceding pages that with very few exceptions only Chinese of the coolie class came to Australia. To this class also belonged most of the few immigrants from other Asiatic peoples. The objections felt for the presence of the one held good for the others.[1]

The fundamental reason for the adoption of the White Aus-

1. Mr. R. E. O'Connor, member of the Government of New South Wales in 1896, and in the early years of the next century a Judge in the High Court of Australia. (New South Wales Parliamentary Debates, Vol. 85, p. 4767).

tralia policy is the preservation of a British-Australian nationality.[2]

National Self-Preservation the Object of the Policy.

In the fifties this primary reason for their policy found expression in the resolve to maintain the British character and institutions in the Australian Colonies; towards the end of the century, however, it was expressed in terms of Australian nationalism. Australians feared that non-European immigration—the only unsought immigration, except from Britain, that flowed with any strength—might radically alter, perhaps destroy, the British character of the community. They knew that racial unity, though not necessarily racial homogeneity, was essential for national unity, for true national life. The union of a people depends on common loyalty to common ideals, and on a common belief as to the best course in general to pursue to attain these ideals. "A united race," said Mr. Alfred Deakin in 1901, speaking on the subject of a White Australia, "means not only that its members can intermarry and associate without degradation on either side, but implies one inspired by the same ideals, and an aspiration towards the same ideals, of a people possessing the same general cast of character, tone of thought, the same constitutional training and traditions—a people qualified to live under this constitution, the broadest and most liberal perhaps the world has yet seen reduced to writing; a people qualified to use without abusing it, and to develop themselves under it to the full height and extent of their capacity."[3] In the words of

2. See, for instance, speeches of Mr. (afterwards Sir) James Martin, Attorney-General in New South Wales, 1858, later Chief Justice of that Colony, New South Wales Parliamentary Debates, as reported in "Sydney Morning Herald," 10/4/58; Mr. McArthur, "Sydney Morning Herald," 20/5/58; Mr. J. F. Hargrave, Attorney-General, New South Wales, 1861, later a puisne Judge of Supreme Court, Parliamentary Debates, "Sydney Morning Herald," 10/9/61; Mr. (afterwards Sir) H. Parkes, 20/5/58 ("Sydney Morning Herald"), Circular to Australian Colonies, Journal of Legislative Council of N.S.W., 1887-8, Part IV., p. 673; Hon. D. Gillies, several times Premier of Victoria, No 44 of British Parliamentary Paper, C. 5448 (1888); Mr. (afterwards Sir) S. W. Griffith, Premier of Queensland, and later first Judge of the High Court of Australia, No. 22 of ibid; Mr. Inglis Clark, Attorney-General of Tasmania, 1888, later Chief Justice of Tasmania, No. 70 of ibid; Memorandum from 1888 Conference (Intercolonial) to Lord Knutsford, Secretary of State (for the drawing up of which Mr. Deakin was chiefly responsible), No. 78 of ibid; Mr. Alfred Deakin, Attorney-General in Federal Government, 1901, and second Prime Minister of Australia, Commonwealth Parliamentary Debates, 1901-2, Vol. 4, p. 4807; Sir W. McMillan, Commonwealth Parliamentary Debates, Vol. III., p. 4619; Mr. Piesse (of Tasmania), Commonwealth Parliamentary Debates, Vol. III., p. 4818; Senator Millen, Commonwealth Parliamentary Debates, 1921, p. 6352; Lecture by Rev. W. Ridley, as reported in "Empire," newspaper, Sydney, 2/9/61; Mr. Labilliere, discussion on "Queensland and Chinese Immigration," Royal Colonial Institute Proceedings, Vol. IX., p. 71; etc.

3. Mr. Deakin on Commonwealth Immigration Restrictions Bill (Parliamentary Debates, 1901-2, Vol. 4, p. 4807).

Sir Henry Parkes, it was "a question of policy of the first magnitude to cement society together by the same principles of faith and jurisprudence, the same influence of language and religion, and the same national habits of life."[4]

To preserve the unity of their national life, a people can admit emigrants from alien races only if within a reasonable time they show a willingness and a capacity to amalgamate ideally as well as racially with them. Australians have formed their restrictive policy because, through their own experience and the experience of other countries, they believe that at present non-Europeans of the labouring classes have neither this willingness nor this capacity. The Chinese in Australia, for instance, tended to congregate into communities of their own, living their own life uninfluenced by the ideas and customs of the people amongst whom they had settled. In other words, they remained aliens. As a matter of experience and of fact, said Mr. (afterwards Sir) George Reid, speaking in 1896 on the Coloured Races Restriction and Regulation Bill then under discussion, there was no desire on the part either of "whites" or of "coloured races" to merge in a common citizenship.[5] This was not so in the case of European aliens in Australia.

It seemed to Australians that the reason why immigrant Asiatics, especially the Chinese, remained aliens in ideas and habits, was to be found in the antiquity of Eastern civilisation and its dissimilarity to the Western. Mr. Inglis Clark explained this in his memorandum which as Attorney-General of Tasmania he drew up in answer to the British Circular of January, 1888. "Both the virtues and the vices of the Chinese," he wrote, "are bred in them by a civilisation stretching back in an unparalleled fixedness of character and detail to an age more remote than any to which the beginning of any European nation can be traced, and the experience of both America and Australia proves that no length of residence amidst a population of European descent will cause the Chinese immigrants who remain unnaturalised to change the mode of life or relinquish the practices which they bring with them from their native country. . . .

4. Circular from Government of New South Wales to other Australian Governments, 1887 (Journal of Legislative Council of New South Wales, 1887-8, Part IV., p. 673).

5. Mr G. Reid in Legislative Assembly of New South Wales (Parliamentary Debates, 1896, Vol. 85, p. 3946).

The indurated and renitent character of the habits and conceptions of the Chinese immigrants make their amalgamation with populations of European origin, so as to become constituent portions of a homogeneal community retaining the European type of civilisation, an impossibility.''[6]

Australians knew that the Indians, of whom they began to receive a few towards the end of the century, were possessed of a civilisation as old as that of the Chinese, and one of which they were justly as proud, and which, therefore, they were as little likely to abandon. To guide them with regard to the attitude it would be advisable to adopt towards Indian immigration, the Australians had before their eyes the racial trouble in Natal and other South African States. And they did not fail to scan it carefully.[7] The other Asiatic peoples who came to Australia were the products of one or more of these civilisations, or of others equally dissimilar to that possessed by the people of Australia. No other non-Europeans emigrated to Australia.

In the formation of their policy the leaders of the people were not actuated by any idea of the inferiority of the mentality or physique of the excluded peoples.[8] It seemed to them that the dissimilarity of their development, and, consequently, of their outlook and training, would cause a body of resident Asiatics to be fatal to progress along the lines that seemed best to Australians.

The Presence in Australia of Resident Non-Europeans Disastrous to British-Australian Nationality whether (a) Racial Fusion or (b) Racial Division.

Australians believed that, because of this fundamental dissimilarity, Asiatics would be equally dangerous to their nationality, whether they remained an alien element in the popu-

6. No. 70 of British Parliamentary Paper, C. 5448 (1888).

7. See, for example, speech of Mr. (afterwards Sir) Edmund Barton, first Prime Minister of Australia, later Chief Justice of Australia (Commonwealth Parliamentary Debates, 1901-2, Vol. III., p. 3500).

8. Said Senator Millen in the Federal Parliament, 13th April, 1921, on his return from the Geneva Conference: "Our policy is designed to secure the continuance of our national existence . . . . and is not based upon any suggestion of inferiority." (Commonwealth Parliamentary Debates, 1921, p. 7352). To glance at leaders in New South Wales: Sir John Robertson, Parliamentary Debates, as reported in "Sydney Morning Herald," 10/4/58; Sir H. Parkes, Parliamentary Debates, 1887-8, May 16th; Mr. O'Connor, 1896, Parliamentary Debates, Vol. 85, pp. 4767-70. While this is true of the leaders, it is not always true of the people's representatives as a whole. Many of these apparently knew little of the historical development of the Asiatic peoples. They consequently were more open to the influences of race prejudice, and judged Asiatic peoples by their coolie representatives in Australia. Frequently the Chinese in particular were spoken of as "inferior."

lation, or gradually fused racially with them. In the latter case, the result of the fusion would be a radical, though gradual alteration in the political and social institutions of the people, a result which, according to Australians, intent like all other nations on self-realisation, would be a calamity, for it would be the death of their British-Australian nationality.[9] Experience of Chinese immigration, however, convinced them that the more likely result was that non-Europeans would remain a people apart. In that case the result would be if possible even more deplorable. Australia would be cursed with all the evils and dangers of a racial division in her community.[10] From the very beginning of non-European immigration, the people in Australia feared this danger. This it was that caused the Royal Commission in Victoria in 1855 to recommend restrictive legislation. Mr. Westgarth, one of the Commissioners, said that the great objection to the presence of Chinese was that they formed "an indigenous mass in the midst of a society with which it can never amalgamate in a political and general sense."[11] From the very beginning, the people in Australia recognised that Asiatic immigration would establish this "sore," which, in their opinion, would grow into "a plague spot impossible to eradicate."[12]

The well-marked social and political evil inevitably connected with the co-existence of distinct races in one country, constantly recurred to their minds, and influenced them to take the first steps in the development of the policy, as it influenced them to take the last.[13] "Cost what it may," declared Mr. Deakin in 1901, "we are compelled at the very earliest hour of our national existence, at the very first opportunity when united

9. Mr. Service, Victorian Parliamentary Debates, 1880, Vol. 33, p. 63; Mr. Forster, New South Wales Parliamentary Debates, 1881, p. 145; Mr. Pigott, New South Wales Parliamentary Debates, pp. 125-6; Sir J. Robertson, "Sydney Morning Herald," 10/4/58.

10. Mr. Thornton, "Sydney Morning Herald," 10/4/58; Mr. Harpur, Victorian Parliamentary Debates, 1888, Vol. 57, p. 67; Sir G. Reid, New South Wales Parliamentary Debates, 1896, Vol. 35, p. 4948.

11. Mr. Westgarth, discussion on paper, "Queensland and Chinese Immigration," by Agent-General of Queensland, 11/12/77 (Royal Colonial Institute Proceedings, Vol. IX., 1877-8, p. 67).

12. Mr. Jones, New South Wales Parliamentary Debates ("Sydney Morning Herald," 20/5/58).

13. Mr. Lucas, Parliamentary Debates, as reported in "Sydney Morning Herald," 8/2/61; Mr. Butler, Parliamentary Debates, as reported in "Sydney Morning Herald," 10/10/61; Hon. John Douglas, Premier of Queensland, wrote to the Agent-General, 19/10/77: "The creation of a large, intelligent, docile, but servile class would, I do not doubt, seriously affect and change the conditions upon which our political system is based" (Queensland V. & P., 1877, Vol. II., p. 1205; and see his speech in Queensland Parliamentary Debates, 1877, Vol. 23, p. 241).

action becomes possible, to make it positively clear that, as far as in us lies, however limited we may be for a time by self-imposed restrictions upon settlement, however much we may sacrifice in the way of immediate monetary gain, however much we may retard the remote and tropical portions of our territory, those sacrifices for the future of Australia are little, and are indeed nothing, when compared with the compensating freedom from the trials, sufferings and losses that nearly wrecked the great Republic of the West, still left with the heritage in their midst of a population which, no matter how splendid it may be in many qualities, is not being assimilated, and apparently is never to be assimilated, in the nation of which they are politically and nominally a part."[14]

The presence of numbers of Asiatic people of the labouring classes would, in the opinion of Australians, prevent the growth of the democracy which they had already begun to form. These immigrants seemed unfitted to exercise political rights, and incompetent to fulfil political duties. "Our objection to Asiatics," said Mr. Millen in the Legislative Assembly of New South Wales, "is not so much that they may belong to this or that race, as that we regard them as unfit to take part with us in the duties of citizenship. We are not prepared to extend to them the privileges of citizenship, nor can we expect from them its obligations."[15]

Political Aspect.

Political privileges were given the Chinese in Victoria during the eighties. It was found that they usually exercised their vote in accordance with the wishes of some of their countrymen who appeared to have authority over them, or else gave it as seemed to them most profitable.[16] It seemed that

14. Mr. Deakin, Commonwealth Parliamentary Debates, 1901-2, Vol. 4, pp. 4806-7.

15. Mr. Millen, New South Wales Parliamentary Debates, 1896, Vol. 85, p. 3956.

16. Said Mr. Graves, in Victorian Legislative Assembly (Parliamentary Debates, 1880-81, Vol. 34, p. 2575): "At the first general election at which I stood, I found that 38 Chinese appeared on the roll for a portion of my district, euphoniously called Hell's Hole, and I naturally asked if there were any way of polling them. My scrutineer replied, 'You can get all the votes for £10, but if you don't pay the money you will lose them all.' 'Well,' I said, 'I would prefer to lose them all.' What was the result? The 38 votes were polled against me. However, understanding subsequently that there were only 17 Chinamen in the whole place, I enquired where the 38 Chinese votes came from. But the mystery was soon explained to me by one of the Chinamen. Said he, 'We poll a man, take him into a tent, change him hat, change him jumper, poll him again.'"

if the labouring classes of the Asiatic peoples should at any time become as numerous, or nearly as numerous, in any State as the Australians, the result would be either an attempt on their part to establish separate institutions of a character that would trench on the supremacy of the Colonial legislative and administrative authorities, "or a tacit acceptance by them of an inferior social and political position, which, associated with the avocations that the majority of them would probably follow, would create a combined political and industrial division of society upon the basis of a racial distinction."[17] Either result would be the death of a true democracy which must stand on the basis of the equality and freedom of all its members. Political exclusion of any large section of the community would destroy the very spirit of a democracy. Political inclusion of alien peoples like those from Asia would, under a representative system of Government, destroy that unanimity on national matters which is essential to the general welfare of a community,[18] and if their numbers became large, it would be the deliberate giving away of the Australian political birthright.

The pernicious political effect on the structure and spirit of Australian society, of the presence of a large number of Asiatic labourers brought in the first instance under indenture, was one of the chief objections urged by the ablest opponents of the proposed introduction of Indian and Chinese coolies into tropical Australia. It was felt that if non-Europeans like Indians were brought to Australia to develop its resources, it would be unfair afterwards to force them to leave if they cared to stay in the land they had benefited by their work.[19] Moreover, their presence would discourage the coming of European workmen; their services, therefore, would become more and more necessary to the community. They would become a permanent element in the population, entering into industrial competition with Australian workmen.[20] Mr. Griffith—perhaps the strongest leader of the section in Queensland that successfully opposed the proposed introduction of Indian labour under indenture, and who struggled till 1892 against the continuance of the Kanaka sys-

17. Mr. Inglis Clark, No. 70 of British Parliamentary Paper, C. 5448 (1888).
18. Ibid.
19. Mr. Caldwell in Legislative Assembly of South Australia, Parliamentary Debates, 1891, p. 2386.
20. See this belief as early as 1841 (Report of Conference on Immigration, V. & P., Legislative Council of New South Wales, 1841, p. 421).

tem—strongly insisted on the evil effect such an element would have on the growth of a democracy.[21] He maintained that a representative Government in which the influence of the employers predominated, was not fit to be entrusted with the control of "inferior races," and a constitutional Government in which only the white population was represented, was not the best to control the destinies of a politically inferior people entering into competition with them in various branches of industry.[22] In his opinion, if any part of Australia were thrown open to the immigration of Asiatic workmen, it should be separated from the rest of Australia and made into a Crown Colony, so that the Imperial Government could act impartially between the politically inferior and superior races.

Australians believed not only that Asiatics in fairly large numbers would be dangerous to the political life of the community, but also that their presence in Australia would be an external political danger as well. To withhold full rights of citizenship from any considerable number of Asiatics whom they had allowed to enter, would probably be felt as an insult by the nations from which these immigrants were drawn, and which might justly demand equal treatment for all aliens.[23] Australians were the more convinced of this aspect of the question during the nineties, when trouble over a very similar matter was looming in the Transvaal.[24] The quick progress of Japan, the awakening and consequent advance that was anticipated on the part of China after her humiliating defeat at the hands of her small vigorous neighbour, made Australians, for these reasons among others, hasten the completion of their White Australia policy.

Social Effect of Racial Division of Society.

A resident alien people, whose presence Australians regarded as a menace to their civilisation and nationality, would have a bad social effect on the community. Social distinctions based on race would be apt to arise, which would sap the very foundations of a democratic society. "I have maintained at all

21. See Memorandum by Mr. Griffith (Queensland V. & P., 1885, pp. 378-81), I., pp. 378-81.
22. Ibid.
23. Mr. R. E. O'Connor in Legislative Council of New South Wales, Parliamentary Debates, 1896, Vol. 85, p. 3956; Mr. G. H. Reid, Premier, 1896, Parliamentary Debates, Vol. 85, p. 3956.
24. Mr. G. Reid, Premier, 1896, Parliamentary Debates, Vol. 85, p. 3956.

times that we should not encourage or admit amongst us any class of persons whatever whom we are not prepared to advance to all our franchises, to all our privileges as citizens, and to all our social rights, including the right of marriage," declared Sir Henry Parkes in 1888.[25] "I maintain that no class of persons should be admitted here, so far as we can reasonably exclude them, who cannot come amongst us, take up all our rights and perform on a ground of equality all our duties, and share in our august and lofty work of founding a free nation." For the maintenance of their free social and political institutions—the concrete expression of a democracy—Australians felt that all resident peoples must be treated alike.[26] But to grant equality of social and political status to resident Asiatics, allowed to enter freely, would destroy the very conception that made such a society possible. It seemed to them, then, that there was only one course to pursue—the course laid down by Sir Henry Parkes.

The introduction of Asiatics under indenture would have social effects of just as serious a character as would result from the residence of an entirely free alien race. For the work done by this "hired" people would be regarded as degrading to the Australian worker. Consequently, those who for any reason were forced to take up such occupations would come to be looked upon as "mean whites"[27]—an attitude incompatible with a democratic ideal. Coolie indentured labour was subject to such contract conditions as no workman of a democratic people would submit to, and no free democratic country should countenance.[28] "It did seem monstrous," said Mr. C. C. Kingston, in the South Australian Legislature in 1892, "that a man should be introduced into our midst who had only the right of doing servile work."[29] The inevitable result of such a system would be the deterioration of the people who adopted it.

Such would be the effect, too, of a continued use of labour

25. Sir H. Parkes in Legislative Assembly of New South Wales, Parliamentary Debates, 1887-8, Vol. 32, p. 4787.

26. For example, see speeches by Mr. MacFarlane, Queensland Parliamentary Debates, 1881, Vol. 53, p. 1138; Mr. G. Reid, New South Wales Parliamentary Debates, 1896, Vol. 85, p. 3946; Sir H. Parkes, "Sydney Morning Herald," 24/4/61; Mr. Wrixon, Mr. Carter, Mr. Smith, Victorian Parliamentary Debates, Vol. 37, pp. 700, 699, 701 respectively.

27. Mr. Griffith, Memorandum, 1/5/85 (Queensland V. & P., 1885, Vol. I., pp. 378-9).

28. Mr. C. C. Kingston, sometime Premier of South Australia, Minister for Customs in the first Commonwealth Government (South Australian Parliamentary Debates, 1892, p. 1669.

29. Ibid.

from the Pacific Islands. The Kanaka system revolted British instincts. It was necessarily a form of "limited slavery,"[30] for there could be no real contract, no equality of undertaking between two peoples on so different a level of intelligence.[31] It could be nothing else but the deliberate commercial exploitation of an inferior by a superior race.

A considerable number of alien non-European people in Australia would injuriously affect Australian industrial life. The calm patient energy and endurance of the Chinese, their extraordinary economy and indifference to comfort, their wonderful business qualities and commercial honesty, roused the same unwilling admiration as did the marvellous adaptability of the Japanese.[32] But their very commercial and industrial virtues made them dangerous competitors for Australians, because their standard of living was much lower. The conditions, therefore, were not the same for both sides. "Their habits of life," said the Premier of South Australia in 1888, concerning the Chinese, "enable them to live and save money where a European with a family would starve."[33] Competition would ultimately place all workers in Australia on a level, which would probably be about midway between the two original standards.[34] A supply of cheap labour would tend to give the employer an undue advantage over his employee. Thus it would injuriously interfere with the relations of capital and labour as established in Australia.[35] Non-Europeans in Australia were to a great extent indifferent about the conditions under which they worked. Their presence, therefore, was a dead weight to the Trades Unions, formed with the object of improving the lot of the worker. So these Unions strenuously opposed such immigration as was likely to result in the formation of a large body not only of cheap, but also of uncontrolled labour. To use more modern phraseology, the workers in Australia feared that non-

30. Mr. Morehead, a Premier of Queensland, quoted by Mr. Barton, Commonwealth Parliamentary Debates, 1901-2, Vol. IV., p. 5492.

31. Mr. Barton, Commonwealth Parl. Debates, 1901-2, Vol. IV., p. 5492.

32. See, for instance, article in "Victorian Review," 1880, Vol. 1, "Can the Chinese be Made a Good Colonist?" by Carl A. Freilberg.

33. Hon. Th. Playford, South Australian Parliamentary Debates, 1888, p. 201.

34. Report, Immigration Committee of 1841.

35. Petition of Legislative Assembly of New South Wales, sent after meeting in Sydney held under auspices of Trades and Labour Council (V. & P., 1878, Vol. 7, p. 477).

European labourers would, by their competition and general attitude to economic questions, prevent any further advance towards the ideal of industrial democracy, that they would indeed cause Australians to lose the ground they had already won.

The dangerous competition of non-Europeans was felt not only by labourers. Unaccustomed to such comforts as Australians had come to consider necessaries, a Chinese for instance could soon save enough to become a tradesman, and by long hours of patient toil could undersell his white competitors. In this way he could obtain a practical monopoly over certain industries which he preferred.

The whole of Australia came gradually to sympathise with the view of the industrial aspect of Asiatic immigration taken by the workers. "One of the chief among the convictions of the Australian people was the belief that ill-paid labour was inconsistent with a system of national economy, and it has been a national aspiration that the Australian people should be healthy citizens, rearing healthy families, and that the industrial life of the community should be so regulated that the workers who form the physical backbone of the country shall be saved from having to live at a standard below that necessary to keep them in a state of mere bodily efficiency."[36] For the establishment of a society on the basis of freedom and equality, the worker needed to have time and opportunity to fit himself to take an adequate part in the social and political life around him. Australians could not accept conditions which non-European labourers were as a rule content to live under, without becoming "unfit for the citizenship of a free State."[37] It was felt that to demoralise a large number of the community was a great deal too high a price to pay for Asiatic industry.[38] As early as 1879, Sir H. Parkes lifted to a national plane the workers' industrial argument against Asiatic competition. "English civilisation—civilisation as known in Europe—would be a delusion, if it had not the tendency to elevate the condition of the great body of the people of nations," he declared. ". . . . That kind of civilisation which only had a tendency to multiply refinements,

36. Report of Royal Commission on Sugar Industry, 1912, Commonwealth Parliamentary Papers, No. 59, p. LVI.

37. "The Queenslander," newspaper (Brisbane), 23/11/78. See also article, "Aliens and Undesirables in Australia," "National Review," December, 1901, Reeves.

38. Mr. J. McIntosh, at public meeting, Sydney, November 20th, ("Town and Country Journal," Sydney, 23/11/77).

and to make the rich richer, the luxurious more capable of indulging in luxury, could not be in accordance with any sound principle of national advancement, and civilisation itself would be a delusion, a false thing, if its tendency was not to lift the condition of the great body of the people, to place at their hands all the good things of life, place at their hands greater freedom of action, place at their hands individual independence, so that they need not cringe or bend to any man whatever. That was the condition at which English people aimed to arrive.''[39] This view Australians thoroughly endorsed, as is evident from their social and industrial legislation even before the establishment of Wages Boards for the fixing of what, in their opinion, constituted a minimum wage for an ordinary family, and of Arbitration Courts for the attempted settlement on equitable terms, by an impartial judicial body, of any dispute arising between employers and employees.

The industrial objections felt for the proposed immigration of indentured non-Europeans were quite as strong as those felt for the competition of such emigrants coming to Australia in the ordinary way. For though it was proposed to bring these workers only for the northern and therefore hotter regions, it was believed that they could not be restricted to such areas.[40] When their periods of indenture were over, on grounds of humanity alone they could not be prohibited from engaging in other kinds of work which they showed themselves able and willing to do.[41] No geographical boundary could prevent them from spreading to other parts, and they would become the same industrial menace to Australian workers as their unsought immigrant countrymen would be if freely admitted.

A supply of indentured labour, too, would tend to rivet on Australia the present ''capitalistic'' system of production, at least in the conduct of tropical industry in Australia. As in the case of the sugar industry under the system of Kanaka labour, large estates would be owned by absentees represented by managers or agents, and their estates would be worked by large gangs of imported labour. It was believed that, under a

39. Sir Henry Parkes, in Legislative Assembly of New South Wales, as reported in "Sydney Morning Herald," 6/3/79.
40. Mr. C. C. Kingston, Parliamentary Debates, South Australia, 1891, p. 2543; Mr. S. W. Griffith, Memorandum, 1/5/85, Queensland V. & P., 1885, Vol. Vol. 1, 378-81.
41. Ibid.

different system, and by the aid of labour-saving machinery which the need for it would cause to be invented, the land could be cultivated by resident owners, and that this would be much more conducive to the lasting welfare and prosperity "of the settlement in these regions." [42]

Except in a few industries, the island labourer was a much less dangerous competitor than was the superior Asiatic, for he was in every respect much less efficient. Moreover, his employment was towards the end of the century restricted to certain tropical agriculture. But within his restricted sphere the other industrial objections applied to him more strongly than to Asiatics. The helpless islander threw the whole of his weight on the side of autocracy in the industrial world.

Racial Hostility Inevitable in View of Industrial Competition.

The strong feeling of resentment and hostility that the competition of a large body of cheap alien workers would arouse, would poison the health of Australian society.[43] Such competition would be a sure cause for racial strife, for it would arouse a primary instinct to fight for the right of existence such as Australians conceived it. It would acutely sharpen and intensify the political and social difference resulting from a racial division. And the result of such internal strife would be to degrade the character of the community.[44] "The question is there, black and startling, in the midst of your social economics," said Sir H. Parkes in 1888, speaking of the feeling aroused by the Chinese immigration, "irritating, agitating all classes of persons, and operating in a most intense way on those who are least informed, and for that reason the most dangerous. Can this thing be allowed to go on, this gangrene in the body politic, this seed of disturbance in the midst of society?" [45] Australians felt that they could not permit this immigration that was only "sowing seeds of future discord" in their midst—the "law of preserving the peace and welfare of civil society" was above all others.

By the exclusion of non-European peoples who were willing

42. Mr. S. W. Griffith, Memorandum, 1/5/85, Queensland V. & P., 1885, Vol. 1, p. 378-81.
43. Sir H. Parkes, New South Wales Parl. Debates, 1887-8, Vol. 32, p. 4782.
44. Mr. Reid, New South Wales Parl. Debates, 1881 Session, p. 119.
45. Sir H. Parkes, New South Wales Parl. Debates, 1887-8, Vol. 32, p. 4782.

to come to the Southern land, Australians were aware that they would probably retard the material development of much of their country. But they were willing to pay this price for the preservation of their British-Australian nationality, for the preservation of racial unity without which they could not found their society on the principles of equality and freedom. "I admit this, that by introducing within the next ten years as many millions of Chinese into Queensland or other parts of Australia," said Mr. Labilliere, as early as 1878, "you might develop the resources of Australia to an extent which they would not otherwise attain in fifty years. But is it desirable," he asked, "that we should accelerate the progress of Australia at the expense of the future nationality of Australia?"[46] The idea of the necessity for cheap "coloured" labour for the development of tropical Australia struggled for a time with the national idea. But the latter conquered, as it was bound to do.

To summarise: Australians have adopted the White Australia policy because they believe it to be necessary for their existence as a nation of the British type. Unrestricted immigration of non-European peoples, possessing civilisations so old that the Western civilisation in Australia is youthful in comparison, would, in their opinion, result either (a) in the establishment of a sharp racial division in the community, a division that would curse Australia with political and social evils fatal to a free democratic society, or (b) in a mixture of races which would radically alter the British characteristics of the Australian people and, therefore, be just as fatal to the present Australian nationality. To these evils would be added, at any rate till the destruction of British characteristics was complete, bitter industrial strife on racial lines, because of the different standards of living of Australian and non-European peoples.

Reasons Emphasised in View of (a) Small Numbers of Australian Nation; (b) Proximity to Asia.

These reasons seemed the stronger to Australians because, numerically, their nation was only in process of formation. It could, therefore, be destroyed by a comparatively small "peaceful invasion." And their proximity to Asia seemed to

46. Mr. Labilliere (Royal Colonial Institute Proceedings, Vol. IX., p. 71); see also speech by Sir J. Robertson, 20th May, 1858 (as reported in "Sydney Morning Herald").

them to make such an "invasion" inevitable, unless prompt measures were taken to exclude it. Their experience of Chinese immigration caused them always to remember that a small leak once allowed from a country with such a pent-up torrent of humanity, might become a swift stream that would submerge Anglo-Saxondom in Australia.[47] By the end of the century, Australians had come to realise that their "Anglo-Saxondom" could be "submerged" just as effectually by a gradual process of "infiltration." "I quite admit," said the Hon. R. E. O'Connor, in the Legislative Council of New South Wales in 1896, "that at the present time the number of aliens is so insignificant that probably their presence in the community is not a danger; but when we remember that we in Australia are inhabiting a country which is greater than the continent of Europe,[48] which has in the greater part of it unguarded coasts, which is within a fortnight's journey, putting it at the longest, from those great hives of alien races that will come under the provisions of the Bill; when we remember that, and think of the handful of Europeans that are occupying this territory, and that must for many years to come continue to occupy it, I think it will easily be seen that the process of infiltration, even though of a very moderate and apparently inappreciable character, may, if carried on year by year, probably result in the course of fifty or sixty years in placing in our midst the very dangers referred to by those writers in the Despatches I have just alluded to,"[49] the danger, that is, of the destruction of the civilisation and the structure of society which existed in Australia.

Because Preservation of British-Australian Nationality Depends on Maintenance of Policy; (a) Unanimity of People Concerning It.

Because of the vital character of the policy which Australians believe to be necessary for the preservation of their nationality, all classes, all creeds, all parties, united for its adoption. On this question employers and employees stood side by side.

47. See, for example, South Australian Parl. Debates, 1887, p. 559. This was the fear from the time of the fifties.

48. This statement is not quite accurate.

49. R. E. O'Connor, New South Wales Parliamentary Debates, 1896, Vol. 85, The "Despatches . . . just alluded to" were those written in 1888 by Mr. Griffith and by Mr. Inglis Clark for the Governments of Queensland and Tasmania respectively, in answer to the Circular from Downing Street, January, 1888.

As a national matter, not as a party question, it was discussed in the first Commonwealth Parliament. Because they regarded the checking of non-European immigration as a matter of the first national importance, most of the outstanding political leaders of the people in Australia during the last half of the nineteenth century assisted in the embodiment of Australia's policy in legislative form. Among them were to be found such men as Sir Edmund Barton, Mr. Alfred Deakin, Sir Samuel Griffith, Mr. C. C. Kingston, Sir John Forrest, Mr. Watson, Mr. Fisher, Sir John Robertson, Sir Henry Parkes, Sir George Dibbs, Sir George Reid, Mr. McGowan, Messrs. Duncan Gillies, Graham Berry, George Thorn and John Douglas, Sir Th. McIlwraith, Messrs. T. Playford and Andrew Inglis Clark. Such names evidence all shades of political opinion—conservative, liberal and radical. It has been said that the White Australia policy was adopted mainly through the influence of the Labour Party in Australia. But a glance at its development shows that such a statement is not in accordance with fact. And the policy was complete before the Political Labour Party had in any part of Australia been given the reins of authority.[50] Though the leaders of the people admitted the cogency of the industrial reason for the exclusion of Asiatics of the coolie classes, one and all, including the leaders of this party,[51] believed that the higher social and political grounds for their policy were more conclusive than those of labour.

(b) Intensity of Feeling—Monroe Doctrine.

From the time of the nineties, Australians occasionally spoke of the policy as their "Monroe Doctrine."[52] The object of the policy—the preservation of British-Australian nationality—explains the intensity of feeling on the subject in Australia. It accounts in some measure for the feeling shown by the Queensland Government in 1876, when the British authorities withheld their sanction from the Goldfields Act Amendment Bill which aimed at the restriction of Chinese immigration. It was this

50. The Labour Party in Queensland had indeed formed a Government in 1899, but it had lasted for a few weeks only.

51. See speeches by Mr. Fisher and Mr. Watson (both afterwards to be Prime Ministers of Australia), Commonwealth Parliamentary Debates, 1901-2, Vol. III., pp. 3503 and 4633 respectively, and Mr. Deakin, Commonwealth Parliamentary Debates, 1901-2, Vol. IV., p. 4807.

52. See, for example, speech by L. F. Heyden in the Legislative Council of New South Wales, Debates, 1896. Vol. 86. p. 4966.

that caused a South Australian to declare in 1877 that the restriction of Asiatic immigration into Australia was a question solely for the Australian Colonies to decide, and that they would decide it for themselves, utterly irrespective of the views in Downing Street, just as the Cape Colonists had, at the middle of the century, decided for themselves whether their Colony should be made a penal settlement or not.[53] The Australian resolve was expressed, though under the excitement of the moment in an unnecessarily defiant way, by Parkes in 1888, as he defended his refusal to allow the Chinese to land. "If in doing so we have infringed any law, I say that this House is bound in honour to indemnify us," he said, "because in infringing the law, we have obeyed the higher law of conserving society. Neither for Her Majesty's ships of war, nor for Her Majesty's representatives on the spot, nor for the Secretary of State for the Colonies, do we intend to turn aside from our purpose, which is to terminate the landing of Chinese on our shores for ever."[54]

Because this policy aimed at the preservation of what seemed best to the Australian people, certain things became so closely associated with it that some of the people came to regard them as forming part of the policy. A knowledge of such a conception of the policy makes more intelligible Australia's determination to adhere to it at all costs. "To my mind," said Mr. Deakin in 1903, when as Prime Minister he was expounding the principle of "A White Australia," "the White Australia policy covers much more than the preservation of our own people here. It means the multiplication of our own people so that we may defend our country and our policy. It means the maintenance of social conditions under which men and women can live decently. It means equal laws and opportunities for all. . . . it means social justice and fair wages. The White Australia policy goes down to the roots of our national existence, the roots from which the British social system has sprung."[55]

(c) *Its Maintenance Placed Before All Else.*

Believing as they did that restrictive measures were necessary for their welfare, from the time of the fifties the colonists

53. Mr. Strangeways, p. 71 of Vol. IX. (1877-8), Royal Colonial Institute Proceedings.
54. Parliamentary Debates (N.S.W.), 1887-8, Vol. 32, p. 4787.
55. Quoted on p. 5 of "Australia Futura," by W. T. Gill.

insisted that they had the right to prohibit or to check any class of immigration that might be injurious to the people in the Colony.[56] They thought they had a right to take such measures, if necessary, even in the face of international treaties. "Self-protection is a law superior to treaty stipulations," pronounced Sir Alfred Stephen, Chief Justice of New South Wales, in the Legislative Council in 1881.[57] "What were international obligations to us in comparison with the paramount necessity of providing for our own well-being?" asked the Premier of Queensland in 1877.[58]

(*d*) *British Colonists, not Australians, take First Steps in its Formation.*

The first steps in the formation of the policy were taken by colonists from the mother countries, not by the Australian born. They abandoned with reluctance Britain's policy of the open door to all immigrants. They were inclined to think at first that restrictive legislation was a sign of race prejudice, that discrimination between emigrants from different countries was illiberal and "un-English."[59] But they came to the conclusion that if Great Britain found between one and two million Chinese arriving in her country within two or three years, a number roughly the same in proportion to her population as the number that by 1861 were in New South Wales, and if, moreover, there were the possibility of this number being increased perhaps fivefold, there would be no single voice raised either in the British Parliament or in the Press in favour of such an invasion.[60] A restrictive policy seemed to conflict with the conception of the brotherhood of man, and with the democratic idea of the equality of all.[61] But experience of immigration from China, and practical acquaintance with the circumstances of Australia made them realise that their patriotism and love of kindred were stronger than their cosmopolitanism. Sir John Robertson summed up their position when

56. Mr. Martin, 1858, in New South Wales Assembly, as reported in "Sydney Morning Herald," 10/5/58; Mr. J. F. Hargrave, 1861, in New South Wales Assembly, as reported in "Sydney Morning Herald," 10/10/61.
57. Sir Alfred Stephen, Parliamentary Debates, 1881 Session, pp. 654-6.
58. Hon. J. Douglas, Queensland Parl. Debates, 1877, Vol. XXIII., p. 246.
59. Mr. Owen in Legislative Assembly, N.S.W., as reported in "Sydney Morning Herald," 10/4/58. Dr. Bowker, ibid.
60. See, for instance, Mr. Murray's speech, "Sydney Morning Herald," 20/5/58; that by Parkes, Parliamentary Debates, N.S.W., 1881 Session, p. 95.
61. See article in "Australian Magazine," Vol. I., October, 1895, pp. 25-8.

he said that, as a citizen of the world, he felt he could not refuse to admit emigrants from those densely populated countries within a few weeks' sail of this emptiest of lands; but as a citizen of New South Wales, he saw the necessary course to be followed —and he preferred to regard the matter from the standpoint of a citizen of New South Wales.[62] Some, however, were not slow to point out that, in their opinion, there was after all no conflict between the duties, rightly understood, of patriot and cosmopolitan—that it was the duty of British colonists, both as citizens of New South Wales and as citizens of the world, to preserve the virtues of the British race.[63]

(e) *The Policy believed to be in Interests of British Empire.*

Finally, though their policy in some respects tended to interfere with Britain's commercial relations with the countries of the East, and to complicate further the already complicated problem of India, Australians felt that it was ultimately in the interests of the British Empire itself. For it meant the preservation of the British character in an important and loyal part of this Empire.[64] A White Australia, then, would contribute to the maintenance of its unity and integrity. And by the formation of their policy before there was any possibility of race conflict within Australia, they believed that they prevented international complications which would inevitably arise if they delayed.

Admissibility of Australia's Policy Depends on the Admissibility of the Principle of Nationalism.

The validity and the morality of Australia's policy seems to depend on the validity and the morality of the principle of nationalism.

If the Australian people's claim to the right of preserving their British-Australian nationality be granted, the admissibility of their White Australia policy seems inevitable. There can be

62. Speech, as reported in "Sydney Morning Herald," 13/3/61. See also pamphlet, "The Chinese Question," 1880, by R. P. Thomson.
63. "The Empire," newspaper, Sydney, 9/3/61; see also lecture by Rev. W. Ridley, as reported in same newspaper, 2/9/61.
64. "Speaking from the Imperial point of view, nothing could tend to solidify and strengthen the Empire so much as that we should build up in these Southern lands a British race," said Senator Staniford, Commonwealth Parliamentary Debates, 1901-2, Vol. 6, p. 7248.

no doubt that the coming of non-Europeans of the coolie class, even in comparatively small numbers, would within a fairly short time radically modify the character and institutions typical of the Australian people who are at present so few. A continued immigration of certain European peoples very dissimilar to Australians, would have the same effect, though in a modified form because of fundamental resemblances in their development. But the cost of unassisted immigration from Europe, and the preference for the closer American lands, to which many of their kin have already gone, at present puts such an emigration to Australia beyond the bounds of probability.

World Opinion at Present Favours Self-Realisation of Nations.

The trend of world ideas seems to strengthen the position which Australians have taken up. The increasing recognition during the nineteenth and twentieth centuries of the principle of nationality,[65] seems to afford ground for belief that Australia's claim will receive world recognition if it is understood. The demand of peoples for self-realisation, a demand inseparable from the claim for the preservation of their identity, has been more and more admitted. Thus, for instance, one finds this being accorded by almost universal consent to the Jugo-Slavs, to the Poles, to the Irish. This demand was to some extent at the back of the Monroe Doctrine, though in this case the claim was for freedom from external interference rather than for freedom from internal interference as a result of "peaceful penetration."

World Experience Against Expediency of Allowing Formation of Racial Division.

Australia's plea that racial unity is essential to national unity, and, consequently, to national progress and usefulness, seems sound in the light of world experience. In view of the feeling existing in Australia—the instinctive shrinking from racial admixture with peoples of strongly marked divergent ideals and physical characteristics—national unity would at present be an impossibility if non-Europeans were freely admitted. As the makers of the policy frequently pointed out, the presence in the

65. See on this point article in "Round Table," March, 1921, "The Case for a White Australia."

United States of a quickly increasing people which remains unassimilated, presents that country with a problem that any other nation might very well hesitate to create for itself. The example of America's problem, however, cannot be pushed too far as an instance of the difficulty that would result from a racial division in Australia if Asiatic labourers were admitted. For the negro race cannot very well be compared with Asiatic peoples possessed of civilisations in many respects of a wonderful and admirable character, civilisations that had been evolved long before the first crude rudiments of Western civilisation appeared. Because of the complexity and the antiquity of Asiatic development, a racial problem in which its peoples were involved would have very much more difficult and dangerous social and political results for the people among whom they had come to live. Australians have seen the Austrian Empire break up because of racial divisions. To a small extent, Australians have experienced the political strain that has been felt throughout the British Empire by the struggles of the people in far-distant Ireland, not only for the right of self-realisation, but also for national unity.

The international tension to which the expression of racial feeling has given rise in that part of America where Asiatics and Europeans are found together, seems to have justified Australia's plea that prevention was better than cure. Australians knew that the racial feeling, inevitably aroused when an influx of foreigners threatened the nationality of a people, would in their case be aggravated by the fear of industrial competition which they could not sustain. The Californian complication, the result of discriminative treatment of resident Japanese, is very similar in nature to a possible one put forward nearly 20 years before by Mr. R. E. O'Connor as a future trouble that Australians should prevent by an early application of a restrictive principle. The collisions with the Japanese and with the Indians in British Columbia in 1907 and 1908,[66] were expressions of racial antipathy that Australia's policy prevented her people from feeling. Her early refusal to indenture Indian labour has saved the Empire from the difficult task of allaying

66. See "Responsible Government in the Dominions," Vol. II., p. 1089, A. B. Keith.

on Australia's behalf India's resentment of discriminative treatment such as her people experience in South Africa.

Australians adopted their policy early, and thus avoided such complications. They were able to do this for two main reasons. One was the type of immigration experienced just at the time the Colonies gained self-government, the other, the general unanimity that quickly prevailed concerning the advisability of the policy. To a British people in whom the seeds of an Australian nationalism had been sown a few years before by their united and determined stand against the renewal of transportation, came streaming thousands of Chinese, perhaps the most conservative of all peoples. It was not likely that colonists clothed in their new powers of self-government would receive people whom they considered dangerous to their infant free communities. Individual experience of Chinese immigration made the three colonies in the east of Australia ready to take concerted action to exclude undesired immigrants, and South Australia fell into line with them. During the eighties, the native-born Australians in the Crown Colony facing the Indian Ocean also became willing to co-operate with them. Thus in Australia there was no State that was not prepared to take effective and united action to restrict Chinese immigration as soon as it was deemed expedient to take this course. And under their constitutions the Australian Colonies had wide powers. They were thus able to take what measures they believed to be necessary, and an understanding mother country gave them a free rein to work their will.

It was otherwise in North America and in Natal. California had indeed received a larger stream of immigration just before a part of it flowed to New South Wales and Victoria. But the legislation by which this State sought to restrict it during the fifties was declared ultra vires. Through inexperience, the older and more populous States on the Atlantic for a long time could not realise the feeling in the Pacific States on the subject of this immigration, nor recognise the need for measures to cope with it. The matter had assumed serious aspects before any steps were taken. Then the method of restriction adopted proved less effective than Australia's cruder and more direct legislation, though it was perhaps internationally more courteous. So it

was later with immigration other than Chinese. The experience of British Columbia was similar to that of the Pacific States of the adjoining Republic. A mass of uncomprehending public opinion in the more powerful provinces had to be removed before steps which, in the opinion of Columbia, were at all adequate could be taken. Thus, in both these countries, hostility to Asiatics has found more violent and more embarrassing expression than has been the case in Australia. The disgraceful riots on the goldfields during the first few years of the Chinese immigration taught Australia her lesson very thoroughly.

The indenture of Indians for the sugar industry in Natal was permitted during the many years this part of the Empire was a Crown Colony. But as soon as it became self-governing, the colonists ended the system in 1895. But the mischief, in the form of a fairly large Indian population of the labouring class, was already done.

The experience of Natal and of the Transvaal seems to prove the soundness of Australia's policy of excluding Asiatic indentured labour. It is unlikely that this question will ever again become a practical one in Australia. The strength of organised labour in that country—to the consolidation of which the Asiatic question contributed not a little—and the influence it wields, both industrially and politically, would alone be sufficient to prevent it. Moreover, India now refuses to allow coolie emigration under indenture to British Colonies, unless rights of subsequent residence are accorded. Non-discriminative treatment would be demanded for them in British Dominions.

Factors Which Tend to Obscure Object of Australia's Policy.

The absence of any cause for hostile racial feeling in Australia seems to be encouraging a tolerant interchange of ideas, the necessary preliminary for any friendly racial contact in the years to come.

There are several factors in Australia's circumstances and development that tend to obscure the real object of her policy. In the first place, her determination to exclude non-European peoples from the vast areas which at present she is not herself

able to develop, seems a greedy and dog-in-the-manger policy to the ordinary onlooker. Her refusal to encourage the immigration even of Europeans, regardless of their suitability for the pioneering work indispensable in a young country, and regardless of her power to absorb them without disturbing the present economic adjustment of Australian society, appears selfish reservation of her wealth for the enjoyment of a few. In the next place, the influence and strength of organised labour in Australia, and its demand for the encouragement only of such immigration as will not interfere with the present conditions of well-being to which the people as a whole have attained, tend to give an erroneous impression that Australia's policy has been determined almost solely in the interests of Australian labour.

Thirdly, the control of her affairs by Governments which sometimes appear far more intent on the working out of social and industrial experiments within Australia than on solving the problem of increasing her numerical strength by suitable immigration—the hinge on which both the success and the justification of the policy must ultimately hang—lends colour to the wrong conception of Australia's ideal.

And, finally, the name given to the policy, "a White Australia," lays undue and regrettable emphasis on its racial aspect.[67] It is but a comprehensive term symbolising the idea on which the policy is based.

Object of Australia's Policy Not Yet Generally Understood.

Australia's policy does not as yet seem to be generally understood and sanctioned by world opinion.[68] This was evidenced during the recent Paris Conference. The majority of the members of the Commission drafting the Covenant of the League of Nations were in favour of an amendment moved by Japan's representative, an amendment which, in the opinion of

67. "Although we now object to people who have a certain colour, it is not to the colour itself, but to the characteristics which accompany the colour" (Senator Harvey, Commonwealth Parliamentary Debates, 1901-2, Vol. 6, p. 7173).

68. ". . . . . The other nations do not understand at all our point of view with regard to the question of a White Australia." said Sir Joseph Cook, who, with Mr. W. M. Hughes, then Prime Minister of Australia, represented that country at the Paris Conference (Commonwealth Parliamentary Debates, 1920, p. 4551). "The people of other nations do not realise that the whole existence of this democracy depends upon our maintenance of the great principle of a White Australia" (Senator Drake-Brockman, Commonwealth Parl. Debates, 1920, p. 4863).

Mr. Hughes, then Prime Minister of Australia, would have infringed Australia's right to maintain her policy.

European nations which from their position have no need to fear a national danger from the same source as Australia, find it difficult to realise the latter's circumstances. Their countries are so well filled, the spirit of nationalism is so strong, and industrial and other conditions in their own countries and in those adjoining tend so to approximate, that an influx of foreigners detrimental to their national welfare is not only unlikely, but almost impossible.

The British Commonwealth of Nations understands the policy better. It has been seen that on the presentation of Australia's case the British authorities recognised the necessity under the circumstances for the measures adopted. And the control of immigration, "the right to determine the ingredients of the population," was included within their conception of colonial self-government. Britain's recent recognition of the Dominions as partners forming with her the British Commonwealth of Nations, was a recognition of colonial nationalism that necessarily included a recognition of the right to maintain it by measures believed to be essential for that purpose. Through their own experience, other British Dominions—Canada and South Africa—sympathise with Australia's ideal. They have themselves adopted policies very similar.

"Much of the recognition of Australia's claim for the right of self-realisation as a member of the nations of the world seems obviously to depend on her own recognition of the duties that such a right entails. The world needs the supplies that it would receive if the resources of Australia were fully developed. On Australia's willingness and ability to develop these resources within a reasonable time seems to depend her right to retain her identity by the exclusion of people who would be quite willing to enter her country and do this work."

Positive Side of Australia's National Policy Yet to be Developed.

The history of a White Australia is so far mainly, if not entirely, the history of a negative policy. Australians are beginning to realise, as did Mr. Deakin 20 years ago, that the restric-

tion of non-European immigration is only a part, and by no means the most important part, of Australia's policy.[69] But their realisation is slow. Though with only a few short breaks there has for long been a small stream of assisted immigration into Australia, the development of the White Australia policy in its positive form may be said to be a movement scarcely yet begun.

69. "Now let me put the matter as I see it . . . ." said Mr. W. M. Hughes. "Australia needs a much larger population. World opinion will not tolerate much longer a dog-in-the-manger policy. We must choose between doing the thing ourselves in our own way, or letting others do it in their way. Our choice lies between filling up our spaces with immigrants from Britain, and, if needs be, other countries, and having the matter taken out of our hands and being swamped by the rush of peoples from the overcrowded countries of the world." ("Sydney Morning Herald.")

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ASIATIC IMMIGRATION AND THE WHITE AUSTRALIA POLICY.

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(b) Commonwealth Parliamentary Papers, 1901-14, including Papers relating to the Immigration Restriction Act, Pacific Islanders, the Sugar Industry, and Pearling Immigration Returns.

(2) *Parliamentary Debates* in the Colonies and in the Commonwealth on the various Immigration Restriction Acts; Answers to questions.

(3) *Statutes*—Till 1900 to be found among those belonging to the Colonies, thereafter those of the Commonwealth.

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THE KANAKA SYSTEM AND WHITE AUSTRALIA.

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